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ECCLESIASTICAL DOCUMENTS:

VIZ.

I.

A BRIEF HISTORY OF THE BISHOPRICK OF SOMERSET

FROM ITS FOUNDATION TO THE YEAR 1174.

II.

CHARTERS FROM THE LIBRARY OF DR. COX MACRO.

NOW FIRST PUBLISHED

BY THE REV. JOSEPH HUNTER, F.S.A.



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ADVERTISEMENT.

THE only connexion between the two portions of this Volume lies in this; that both relate to affairs of the early English Church.

In their character there is this difference: the first is a small chronicle or historical remain; the second consists of documents prepared with all the formalities of legal instruments, and which were actually intended for the defining, defence, and support of property or franchise. The first portion relates to a particular see, the name of which has undergone many fluctuations, but which became in the twelfth century what we now see it, the Bishoprick of Bath and Wells: while the second relates to churches in various dioceses, or to monastic foundations, the seats and secure asylums of the peaceful, the pious, and the learned.

Whatever it is necessary to say respecting the deposits of the originals, will be found in the Introductions which are prefixed to each portion of the work.

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I.

A BRIEF HISTORY
OF THE BISHOPRICK OF SOMERSET
FROM ITS FOUNDATION
TO THE YEAR 1174.



INTRODUCTION.

THE history of the Bishoprick of the province of Somerset, the seat of which was originally at Wells, transferred from thence to Bath, where for a short time it remained, and then carried back to Wells, from the time of Bishop Godwin, downwards, has been chiefly derived from three original sources.

First, in dignity, and certainly in antiquity, may be placed the section *De Episcopis Wellensibus* in the *De Gestis Pontificum Anglorum* of William of Malmesbury,* who wrote early in the twelfth century. Next in age is to be placed a short account printed by Wharton in the *Anglia Sacra*,† supposed to be the work of a canon of Wells. This is continued to the time of Bishop Harewell, who died in 1386. The third is a much larger account, printed in the same collection,‡ in which the history is continued to the year 1423, when Nicholas Bubwith was Bishop. These may be called the *Historia Minor* and *Historia Major*. Wharton printed from a modern transcript in the Cottonian Library, made by Francis Thynne from copies by Laurence Nowell, which he found at the house of Lambarde the Kentish antiquary : but he also used another copy, which is in a register of the the church of Wells.§

There was in the fifteenth century a Chancellor of Wells who has left several tracts ; some of which are historical ; and who may have

* *Scriptores post Bedam*, fol. 1601, p. 153, 154.

† Fol. 1691. Vol. i. p. 553.

‡ Vol. i. p. 554—571.

§ See his Preface, p. xxxviii. Thynne's transcript is in Cott. Vitellius, E. v.

been the author of the *Historia Major* of Wharton. This was Thomas Chandler, who was also Warden of Winchester College. He was contemporary with Bishop Beckington, to whom he inscribes his treatise entitled, *De laudibus duarum civitatum et sedium Bathon. et Wellen.* A contemporary manuscript containing this and other treatises by him is in the library of Trinity College, Cambridge.*

I have had the good fortune to discover a *fourth* original and independent authority. It has not, as far as I know, ever been noticed, and yet it contains some facts which are peculiar to itself, to some transactions it gives a different colouring, and, on the whole, it may be said to come with equal if not superior authority to any of the three on whose authority hitherto the writers on this subject have proceeded. No doubt, the whole which it contains respecting the succession of Ina, and his marriage with Queen Ethelburga, is legendary and romantic; but when the history approaches the time of the Conquest, it assumes a very authentic character; it is minute and particular; and so continues in respect of the topics selected by the writer, to the reign of King Henry the Second, in which it was composed. But what gives it its chief value is, that the unknown author has introduced a long quotation from a treatise written by Bishop Gyso himself, who was nominated to this Bishoprick by Edward the Confessor, and who continued in the see an able and zealous prelate to near the end of the reign of the Conqueror; a foretaste, as he calls it, of a larger treatise which he intended to compile on the endowments made on his church by various benefactors, and the distribution of the profits of its possessions between the Bishop and the Canons. What is here quoted, is a condensed account of the same affairs, but relating more especially to himself and to what was done in his own time. In respect of the precise period when it was written by Gyso, it may be observed that the deposition of Stigand,

* No. 265 of the Manuscripts.

the Archbishop of Canterbury, is an event mentioned in it, the date of that transaction being A. D. 1069. I see no reason to suspect the genuineness of this little piece of early auto-biography. We shall find that its statements are curiously supported by the testimony of Domesday Book in some instances, and of charters in others. Gyso must hereafter take his place in the slender catalogue of Saxon authors.

That the treatise in which this valuable fragment of Bishop Gyso is incorporated was written as early as the reign of King Henry the Second, may be regarded as a sufficiently probable inference from these considerations. There is a coincidence in its statements with the opinions which are known to have prevailed at that time among the religious of Somerset concerning Ina and Ethelburga; the narrative ends with the consecration of Bishop Reginald in 1175; and traces may be perceived of a preference of King Stephen to his Andegavine successor. It almost amounts to partizanship. The author writes as if the embers were not quite cooled of the animosity between Godfrey the Bishop, and King Henry the First,* and as if he had entered into the feeling of Bishop Robert, the predecessor of Reginald, who had been one of the most active partizans of Stephen, and who had suffered personally great inconvenience in consequence of his adherence to him.

The object of the writer was two-fold. First, to give the best account he could collect of the origin of the see. This, he tells us in the prologue, was his principal intention. But it is manifest that

* In my Dissertation on the period to which the earliest Roll in the series of the Pipe is to be referred, I have inadvertently stated that the name of every Bishop of the time occurs in it, except that of the Bishop of Carlisle. But I now find that there is no notice of the Bishop of Bath and Wells; and the dispute between him and King Henry the First, which is, I believe, first brought to light in this narrative, may account for the absence of his name. The fact that there was this jealousy between the Bishop and the King, may, perhaps, be taken as some additional proof of the point which it is the aim of that Dissertation to establish.

he had his eye constantly fixed upon the revenues of the Church, and that he was intent on producing a work to which reference might be made, should questions arise, as such questions were perpetually arising, respecting the portions which were set aside for the support of the canons and those which remained to the Bishop. In the account of the see under the later Bishops noticed by him, we have very little, except what relates to the temporal possessions and disputes concerning them.

The author was, in all probability, a canon of Wells. In one phrase we have a verbal conformity with the *Historia Minor*, which seems to show that this treatise was known to the author of that meagre performance, or that both used in that part of their narrative a common original.

This little piece of history has been preserved in a Register of the Priory of Bath, which is now in the library of the Honourable Society of Lincoln's Inn, who very obligingly allowed the Camden Society to make the transcript, from which they have printed. By what means the Society obtained possession of this Register, which is one of more than ordinary curiosity and value, is unknown; but there is no reason to suppose, as some have done, that it formed part of the munificent benefaction of Sir Matthew Hale to that library, when we find that it is not mentioned with his other manuscripts in the will of the learned Judge, and that it is absent also from the catalogue of the manuscripts in the Lincoln's Inn library, made in 1697.* The Register contains the record of the transactions of the house from about A. D. 1200 to A. D. 1360, with a few things interspersed, of which this piece of history is one. The character in which it is written is that of the beginning of the fourteenth century.

The Camden Society are obliged to Mr. E. A. Bond, of the British Museum, for the accuracy with which the transcript was made by him.

* See *Catal. MSS. Angliæ et Hiberniæ*, fol. 1697. ii. 179.

A few words are evidently written incorrectly by the original scribe. In respect of these, I have adopted a plan the reverse of that on which Hearne proceeded in his publications of early historical remains. I have placed the restorations in the text, and given the corrupted reading in the margin. This appears to be the proper way to reconcile the jarring principles, a regard to the convenience and pleasure of the reader, and a maintenance of a due reverence for the actual text. But it is only in cases where the corruption was manifest that I have ventured to restore; and I would be permitted to add, that there are a few passages in which I do not feel perfect confidence in the rendering which I have given of them.

The remark which is so well made by Dr. Clarke in the preface to his *Homer* respecting attention to extreme accuracy in editing ancient manuscripts, may serve as a justification for having retained at all readings so manifestly corrupt; and at the same time they afford some defence for the minuteness of antiquarian details in general, which is so often made matter of reproach to the antiquarian scholar:—" *Levia quidem hæc, et parvifortè, si per se spectentur, momenti. Sed ex elementis constant, ex principiis oriuntur, omnia. Et ex judicii consuetudine in rebus minutis adhibitâ, pendet sæpissimè, etiam in maximis, vera atque accurata scientia.*"

In the notes I shall have the opportunity of showing how far the writer agrees with Malmesbury and the authors of the two similar treatises printed by Wharton. An opportunity will also be given of referring to Record and Charter evidence to support some of the statements in his narrative.



HISTORIOLA
DE PRIMORDIIS EPISCOPATUS
SOMERSETENSIS,
8c. 8c.

SÆPENUMERO cùm, mecum cogitans, et mente jampridem sollicitus, nosse studuerim, quam ob causam, quo casu, quâ ratione, quando, vel quisnam, transtulerit ad WELLAM ab aliunde cathedram pontificalem, et quamobrem deinceps procedente tempore ad BATHONIAM fuerit translata, quum vulgo non fuit divulgatum; chronographorum^a scripta consulens et antiquorum patrum narrationes, quas narrarunt filiis suis ut cognosceret generatio altera; horum hinc et inde veritates quas inveni, in unum congessi, et literarum apicibus commisi, ut cognoscat generatio postera, et posterì nostri apertè videant, quod moderni non poterant.

Regnante itaque domino nostro JESU CHRISTO Dei filio, et

^a *Cronographorum.*

TRANSLATION.—Since often, when meditating on this subject, about which I have now for a long time been curious, I have felt an earnest desire to know for what reason, by what chance, in what manner, when, and by whom the Pontifical Seat was transferred to WELLS from some other place, and how in process of time it was removed to BATH, since information on these points has not been hitherto made public; consulting the writings of the annalists, and the narratives of the ancient fathers which they told to their sons for the information of another generation;¹ the facts which I thence collected I have here thrown into one narrative, which I have committed to writing, in order that future generations may know the truth, and that our posterity may see clearly what is, in a great measure, concealed from the eyes of most persons living at this present time.

Under the reign of our Lord JESUS CHRIST the Son of God, the Christian religion,
CAMD. SOC. 8.

Christianæ fidei crescente religione, cùm predicatio sancta pervenisset ad occiduas mundi partes, insula ab incolis *Britannia major* tunc dicta, ab aliis autem nunc incolis *Anglia* dicta, verbum Dei cum gaudio suscepit; et per provincias et civitates episcopatibus constitutis, pontifices ordinati cathedras pontificales in locis convenientibus positas optinentes, consederunt, et populos sibi subjectos catholicæ fidei doctrinis erudierunt.

De quorum numero, Pontifex qui SOMERSETIÆ regebat ecclesiam, cujus sedes Pontificalis posita erat in ecclesiâ de CONGRESBURIA, cum completus esset numerus dierum ipsius, ad Dominum, sicut creditur, profectus est. Cui multi successores successerunt in eodem episcopatu; quorum nomina et numerum, gesta et tempora, quum scripta non inveni, cum silentio usque ad DANIELEM prætereunda estimavi. Iste vero Daniel sicut accepimus ultimus in cathedrâ de Kungresbiriâ resedit: qui et eam ad WELLAM transtulit. Cujus facti causa et ratio ex sequentibus percipi poterit.

Fuit enim olim cùm duo Reges regnassent in Angliâ, unus trans Humbram et alter citra. Contigit quod Rex citra Humbram,

gradually extending itself, when the holy preaching reached the western parts of the world, this island then by its inhabitants called *Britannia Major*, but by other its inhabitants in these times *Anglia*, gladly received the Word of God; and the provinces and cities being distributed in episcopal sees, Bishops regularly appointed, sat in pontifical seats placed in convenient places, and taught the people committed to them the doctrines of the Catholic faith.

Of which number, the Bishop who governed the Church of SOMERSET, whose pontifical seat was placed in the Church of CONGRESBURY, when the number of his days were completed, went, as is believed, to the Lord. He had many successors in that Bishoprick; the names or number of whom, their deeds, or the times when they lived, since I have not found them written, must be passed over, till we arrive at DANIEL. This Daniel, as we are told, was the last who sat in the episcopal seat at Congresbury. He it was who transferred that seat to WELLS.² The cause and mode of this may easily be learned from what follows.

Formerly there were two Kings reigning in England; one beyond the Humber, the other on this side of it. It happened that the King who reigned on this side the

completo dierum suorum numero, viam ingrederetur universæ carnis ; nullum relinquens hæredem. Unde in regno quod rexerat ortis justitio et injustitiâ, paci et justitiæ nullus relictus est locus. Nam justum condempnabat injustus, fortis opprimebat imbellem, et qui plus poterat plus injuriæ vicino proximo inferebat. Quid plura ? Sic regni depopulatio fuit ejus pessima desolatio. Quod videntes regni primates et principes apud Londoniam Regem sibi quærentes Dominum consuluerunt. Et recepto responso ut quærent hominem qui vocaretur *Ina* ipsum facerent sibi Regem. Quod audientes regni principes statim plurimos circumquaque miserunt nuntios qui *Inam* quærent et adducerent. Qui cùm diutinè quærentes illum non invenissent, quidam eorum qui eum in occiduis provinciis quæsierant, Cornubiâ videlicet et Devonîâ, tædio affecti, et reversi, iter suum versus Londoniam direxerunt. Qui cùm [per] provincias iter agerent et ad vicum quendam qui Somertona vocatur venissent, viderunt villanum quendam cum aratro suo in agro, voce magnâ clamantem, ac vociferantem '*Inam*,'

Humber, the number of his days being completed, went the way of all flesh. He left no heir behind him : whereupon, in the kingdom which he had governed, there arose a cessation of the administration of justice, and with it injustice ; so that no room was left for either peace or equity. The unjust man condemned the just ; the strong oppressed the weak ; and the more powerful a man was, the more injurious was he to his neighbour. What more ? Thus the want of an heir to the kingdom brought a miserable desolation : which beholding, the bishops and chief persons of the realm, desirous to obtain a King to reign over them, consulted the Lord at London. The reply they received was, that they should seek out a man whose name was *Ina*, and make him King. When the chief men of the realm heard this, they immediately dispatched many messengers in every direction who should seek out this person called *Ina*, and bring him to them : who, when they had sought him for a long time without success, a party of them who had been inquiring in the western provinces, namely, in Cornwall and Devonshire, were returning, wearied in spirit, and directing their course towards London. These men, as they were travelling through the provinces, and had arrived at a certain town which is called Somerton, chanced to see there a certain husbandman with his plough, who, with a loud voice, was calling out for '*Ina*,' that he

ut veniret cum bobus patris sui qui erat socius villani. Quod audientes, nuntii sciscitaverunt a villano, quidnam vocaret. Qui respondit, quod Inam vocaverat filium socii sui cum bobus patris sui. Cùmque nuntii vidissent Inam juvenem decorum, staturâ procerum, viribus robustum, gavisī sunt gaudio magno: "Hic est," inquit, "quem quærimus." Cùmque vellent eum ducere secum non sinuntur^a a patre suo neque a vicinis, nisi datâ fidei cautione et securitate quod nichil mali in eorum ductu Ine contingeret. Quo facto, duxerunt eum Londoniam ad principes et regni majores. Qui videntes Inam, juvenem, et valde decorum, et ut videbatur valde strenuum, eum fecerunt sibi Regem, commisso sibi regno et omnibus quæ ad regnum pertinebant: et ab episcopis consecratus est statim.

Et dum hæc geruntur venit qui Regi diceret Regem trans Humbram nuper obisse et unicam filiam suam, ADELBURII nomine, hæredem reliquisse. Quod Rex audiens, missis regiis nuntiis, mandavit Adelburgiæ quatinus nuberet, et fieret monarchia de duobus regnis eorum. Quod mandatum postquam Adelburh in-

^a *Sunt.*

might come with the oxen of his father, who was a partner of the husbandman. The messengers hearing this, enquired of the husbandman what he was calling; who replied, that he had called for Ina, the son of his partner, that he should come with his father's oxen. As soon as the messengers had seen INA, and perceived that he was a handsome youth, tall and robust, they rejoiced with exceeding joy: "This," said they, "is he of whom we are in search." When they expressed their desire to take him with them, they were not suffered to do so by the father, nor yet by the neighbours, without giving a pledge and security that no harm should happen to him while he was in their hands. This being done, they brought him to London to the chiefs and nobles of the realm, who, when they saw Ina, a young man, very handsome and, as it seemed, very brave, they made him King, committing to him the kingdom, and all belonging to it; and he was immediately consecrated by the Bishops.

While these things were scarcely concluded, there came one who told the King, that the King on the other side the Humber had lately died, leaving an only daughter his heir, whose name was ADELBURGH. When the King heard this, he sent a royal embassy to Adelburgh, with proposals of marriage; and that their two realms should be united in one monarchy. But Adelburgh, when she had received the proposal,

tellexerat, sprevit, et Regis nuptias contempsit, eo quod filius villani dicebatur.^a Rex autem Ina, audito responso illius, credens se melius profuturum, iter arripuit, et faciens se Regis nuntium, ad Adelburgam^b usque pervenit, nuntians ei verbum et legationem quam ipsa prius audierat. At illa nichilominus, sicut ante, legationem refutavit, eo quod villanus eum progenisset. Quod Rex ut intellexit, meditans sollicitus quod faceret, ut aliquo modo proficeret, aliquot diebus et mensibus remansit cum eâ, veluti minister ministraturus ei. Contigit autem uti Adelburga^c convivium præsto fieri præciperet primis et principibus regni sui. Ina vero, die convivii, jussus dominæ in prandio ferula apponere. Qui cum apponeret, et indutus esset indumentis regiis, et præterea præ astantibus formâ speciosus, domina illum sæpius et sæpe respiciens, calefacta in concupiscentiâ ejus exarsit; et facto vespere lectum ejus in thalamo proprio præparari præcepit. Ina vero postquam accubuerat, lectum relinquens proprium, ad dominam pergens, eam non renitentem set nequaquam contradicentem cognovit. Cùmque intempestæ^d noctis silentio secum secretius agerent, Ina denuo legationem suam Adelburgæ aperuit;

^a Decebatur.^b Aelburgam.^c Aelburga.^d In tepestæ.

despised it, and spurned the thought of marriage with the King, because it was said he was the son of a husbandman. King Ina, when he received this reply, thinking that he should himself have better success, determined to go in person; and, pretending that he was a messenger of the King, came to Adelburgh, and repeated the proposals which before had been made to her. But she, nevertheless, as before, rejected the proposal, on the ground that the King's father was a husbandman; which, when the King heard, thinking anxiously what he should do, that by some means or other he might succeed, he determined to remain with her some days, and even months, in the character of a servant waiting upon her. Now it happened, that Adelburgh appointed a feast to be held for the chief persons of her realm. Ina, on the day of the festival, had the office assigned him by his mistress of placing the dishes on the table at the banquet. While he was performing this duty, being dressed in royal apparel, and appearing to far greater advantage than the other persons who were present, the lady, again and again admiring him, became exceedingly enamoured, and ordered a couch to be prepared for him at night in her own apartments. In a secret interview, in the deep silence of the night,⁽³⁾ Ina again opened his embassy to Adelburgh.

set nullatenus exaudiri meruit, dum denique rex ei quisnam esset indicavit, et se Regem esse proposuit. Unde illa vehementer admirans, obstupuit, et petitionibus suis libens acquievit. Quo facto, rex inde discessit, et in patriam suam regressus, cum magno apparatu nuntios pro eâ direxit: quam, ubi venit ad villam tunc temporis quæ Cideston, nunc autem Wella vocatur, solempniter desponsavit; episcopo Daniele ministerium desponsationis feliciter consummante:^a qui, Reginâ mediante, impetravit a Rege dari sibi villam eandem ad transferendum^b illuc sedem pontificalem. Daniel vero sine morâ de Kunigresburiâ transtulit ad Wellam cathedram pontificis.

Ecce jam audistis ob quam causam, quo casu, quâ ratione, quando et quis transtulit cathedram ad Wellam. Daniel vero, cum annis quadraginta tres sedisset in pontificatu, relictâ terrâ morientium transivit ad terram viventium. Cui successerunt plurimi successores in Wellâ, pontifices subscripti SIGARUS, ALWYNUS, qui subplantavit Sigarum ab episcopatu; post cujus obitum cum xiiij^{cim} diebus vixisset episcopus expiravit; BRITHELMUS; BURTH-

^a Consummantem.

^b Transferandum.

He could not, however, prevail to be heard, until, at length, he declared to her who he was, and that he himself was the King; when she, wondering exceedingly at what had happened, was amazed, and, with hearty good will, acquiesced in his proposal. This being settled, the King departed; and, being returned into his own country, sent a splendid embassy to conduct the lady to him. When she arrived at the town which was then called Cideston,⁽¹⁾ but now Wells, they were there solemnly married. The office of the espousals was happily performed by Daniel the bishop, who, by the mediation of the Queen, obtained of the King that the town should be given to him, that thither he might transfer the episcopal seat, and Daniel accordingly transferred immediately the Bishop's chair from Congresbury to Wells.

Lo, now you have heard, for what reason, by what chance, in what manner, when, and by whom the seat of the Bishop was transferred to Wells. But Daniel, when he had presided over the see forty and three years, leaving the land of the dying, passed to the land of those that live. To whom there were many successors at Wells, as the bishops whose names follow:—SIGARUS; ALWYNUS, who displaced, by underhand means, Sigarus from his bishoprick, and, surviving him only thirteen days, died

WOLDUS, LIOWYNGUS, BRITHTUMUS, ELWYNUS; quibus successerunt^a BRITHWYNUS, et DUDUCO vir justus et timoratus: de quibus scripsit successor eorum, venerabilis et præclaræ memoriæ GYSO episcopus; cujus scriptum en profertur in medium.

“Anno dominicæ incarnationis m^o. xxx^o. Cnuth Rege Danorum
 “et Norweynensium optinente etiam principatum totius Brittan-
 “niæ, Brythcri episcopus Welliæ ecclesiæ Merechyyt cognomi-
 “natus II. idus Aprilis obiit, et in Glasstingensi cænobio, in
 “quo ante episcopatum Abbas fuit, est sepultus. Huic successit
 “Duduco, natione Saxo, III. idus Junii ordinatus, qui possessiones
 “quas hæreditario jure a Rege ante episcopatum promeruerat,
 “monasterium videlicet Sancti Petri in civitate Gloucestreysi
 “situm cum omnibus ad se pertinentibus, et villam quæ Kuni-
 “gresbiria dicitur, atque aliam Banewelle nuncupatam, robo-
 “ratas cyrographis regiæ autoritatis ac donationis Deo Sanctoque
 “Andree tempore Edwardi piissimi Regis obtulit: vestimenta
 “quoque sacerdotalia, reliquias Sanctorum, vasa altarea concupisci-

^a *Successerant.*

bishop; BRITHELM; BURTHWOLD; LIOVING; BRITHTUM; ELWYN⁽⁵⁾; to whom succeeded BRITHWYNE and DUDUCO, a man just, and reverentially devout, of whom their successor GYSO the Bishop, a man of venerable and famous memory, has written; whose writing is here quoted:

“In the year of the Incarnation of our Lord one thousand and thirty, Cnuth
 “king of the Danes and Norwegians, being then sovereign of the whole of Britain,
 “Brithcri, whose surname was Merechyyt, Bishop of the Church of Wells, died on
 “on the second of the ides of April, and was buried in the monastery of Glaston, in
 “which he was Abbot before he became Bishop. To him succeeded Duduco, a Saxon
 “by birth, consecrated on the third of the ides of June, who, in the time of Edward,
 “the most pious king, gave to God and Saint Andrew the possessions which he had
 “obtained from the King, before he was bishop, to be his by hereditary right; to wit,
 “the monastery of St. Peter in the city of Gloucester, with all pertaining to it,⁽⁶⁾ the
 “the town which is called Congresbury,⁽⁷⁾ and another town called Banwell;⁽⁸⁾ and
 “they were confirmed by chirographs of royal authority and donation. He gave
 “also sacerdotal vestments, various reliques of saints, beautiful vessels for the altar,
 “very many books; and just before he became bishop,⁽⁹⁾ every thing which he pos-

“ bilia, libros plurimos, et omnia que habere poterat, jam, immi-
 “ nente die vocationis suæ, adhibuit; et xx.^{mum} vij.^{um} ordinationis
 “ suæ agens annum menses quoque vij. et dies vij. obdormivit in
 “ Domino xv. kalendas Februarii, et sepultus est in ecclesiâ sedis
 “ suæ. Haroldus vero, tunc temporis dux occidentalium Saxonum,
 “ non solum terras invadere, verum etiam episcopalem sedem om-
 “ nibus hiis spoliare non timuit: Set et Stigandus archiepiscopus
 “ Cantuariorum, postea, tempore Willielmi Regis, in conciliis epis-
 “ coporum, a legatis Alexandri papæ in civitate Wyncestriæ degra-
 “ datus, præfatum monasterium injustâ ambitione a Rege sibi dari
 “ petiit et impetratum ad horam optinuit.

“ Huic prædicto Duduco episcopo successi ego, G. Hasbaniensis
 “ incola ex vico Sancti Trudonis anno Dominicæ Incarnationis m^o.
 “ lx^o. quem Rex Edwardus, licet vitæ meritis indignum, Romæ di-
 “ rexiteta Nicholao papâ ordinatum, die Paschali xvij. kalendas Maii;
 “ post peractam ibi sinodum, ebdomadâ secundâ post Albas, privi-
 “ legium Apostolicæ autoritatis mecum deferentem, honorificè rece-
 “ pit. Tunc ecclesiam sedis meæ perspicuens esse mediocrem, clericos

“ sessed. Having sat as Bishop twenty-six years, seven months, and seven days, he
 “ slept in the Lord, on the fifteenth of the kalends of February, and was buried
 “ in the church of his see.⁽¹⁰⁾ But Harold, at that time Duke of the West Saxons,
 “ not only did not hesitate to invade the lands belonging to the see, but he spoiled
 “ the bishop's seat itself of all these gifts. Moreover Stigand, the Archbishop of
 “ Canterbury, afterwards, in the time of William the King, degraded in a council of
 “ bishops, by the legates of Pope Alexander in the city of Winchester, with unjust
 “ solicitation besought the King that the aforesaid monastery should be given to him,
 “ and obtained his request.

“ To this said Duduco the bishop, I succeeded; Gyso, an Hasbanian from the
 “ town of Saint Trudo,⁽¹¹⁾ in the year of our Lord's Incarnation one thousand and
 “ sixty, whom King Edward, though by any merit of my own unworthy of the honour,
 “ sent to Rome,⁽¹²⁾ and there I was consecrated by Pope Nicholas on Easter Day, the
 “ seventeenth of the kalends of May, and the King received me in an honourable
 “ manner on my return, bringing with me the mark of apostolic authority, the synod
 “ then being over,^(?) in the second week after Albæ.⁽¹³⁾ Then taking a survey of my
 “ cathedral Church, and perceiving it to be small, and the four or five clerks⁽¹⁴⁾

“quoque quatuor vel quinque absque claustro et refectorio^a esse
 “ibidem, voluntarium me ad eorum astruxi adinstauracionem.
 “Igitur, pietate nulli secundo cùm hujusmodi indigentiam inti-
 “marem, possessionem quæ Wedmor dicitur, pro remuneratione
 “eternæ recompensationis, in augmentum et sustentationem fra-
 “trum ibidem Deo servientium, ab eo inpetravi. Regina quoque
 “Eadgid, cujus adminiculo et suggestione hoc ad effectum venit,
 “partem ejusdem terræ quæ sui juris erat, Merken et Moddesleh
 “ab incolis nuncupatam, fideli benivolentiâ ad idem adauxit. Vil-
 “lam deinde quæ Wynesham appellatur, a quodam antecessorum
 “meorum præstitam, set per multorum annorum curricula absque
 “obauditione a successoribus retentam, a quodam Alsie nomine
 “tunc temporis eam in dominio habente, cepi repetere; quem crebrò
 “canonicè ammonitum, et post judicium Provincialium, quo ille
 “excludi et ego debebam introduci, armis repugnantem, non timui
 “anathematizare. Haroldum etiam ducem, qui ecclesiam michi
 “commissam [spoliaverat], nunc secreto nunc palam correctum,
 “pari sententiâ cogitabam ferire. Set, defuncto Rege Edwardo,
 “anno ab Incarnatione Domini m^o. lxx^o, cum ille regni guber-

^a *rra.*

“being without a cloister or refectory,(15) I set myself voluntarily to the preparation
 “of these. I mentioned this our poverty to him, who was inferior to no one in piety,(16)
 “and obtained from him the possession which is called Wedmore,(17) for the remuneration
 “of an eternal recompense, for the increase and sustentation of the brethren there serving
 “God. Queen Edith also, by whose assistance and suggestion this was effected, increased
 “the gift with faithful benevolence by giving the part of the said lands belonging to
 “herself, which was called by the inhabitants Merken and Modesley.(18) Then the town
 “which is called Wynesham, which had been granted for a term by some one of my
 “predecessors, but for many years kept from his successors without any service. I
 “undertook to recover from one Alsie, who at that time held it. Him having been fre-
 “quently canonically admonished, and resisting by force after there had been a sentence
 “of the Provincials by which he was deprived, and it was declared that I ought to be
 “put into possession, I did not hesitate to anathematize.(19) I even meditated to strike
 “by the same kind of sentence Harold the duke, whom I sometimes privately and
 “sometimes openly rebuked for the attacks which he made on the church committed to

“nacula suscepisset, non solum ea quæ tulerat se redditurum,
 “verum etiam ampliora sponndit daturum. Præoccupante autem
 “illum iudicio divinæ ultionis, post victoriam quâ potitus est de
 “equivoco suo Rege Norweyniensium xxj^a. die, reparato exercitu,
 “contra Willielmum Ducem Normannorum qui jam meridianam
 “terræ ejus plagam invaserat, arma corripuit, et mense x^o. regni
 “sui, cum duobus fratribus suis, et maximâ populi sui strage,
 “occubuit. Dux vero victoriâ potitus, cum regni gubernacula
 “post eum suscepisset, et a me de injuriâ michi illatâ querimo-
 “niam audisset, Wynesham ecclesiæ resignavit, privilegio con-
 “firmavit, eâ conditione, ut fratres in eâdem Deo sacrificium
 “laudis offerentes, pro suâ suorumque antecessorum et successo-
 “rum perpetuâ salute, eam jure hæreditario inviolabiliter possi-
 “derent; et monasterium Oswaldi se additurum, cum citius
 “posset, sponndit. Ego deinde ut amplificarem ecclesiæ meæ
 “adhuc beneficia, prædium quod Cumbe nuncupatur, a quodam
 “meo parochiano Arsere dicto, cum consensu Regis Willielmi;
 “emptum, cum quibusdam aliis, Wurmeston et Littone nuncu-

“my charge. But King Edward having died in the year of the Incarnation of our
 “Lord one thousand and sixty-five, on taking the reins of government, he promised
 “not only to restore what he had taken away, but also to give fresh donations.⁽²⁰⁾ But
 “the judgment of divine vengeance overtaking him on the twenty-first day after the
 “victory which he had obtained over his namesake, the King of the Norwegians, he
 “having recruited his army, engaged in battle with William Duke of Normandy, who
 “had invaded the southern part of his land, and then in the tenth month of his reign,
 “with his two brothers and a great slaughter of his people, fell in battle. Moreover,
 “the Duke, after he had obtained the victory, and had taken upon him the government
 “of the kingdom, and had heard from me my complaint of the injury which had been done
 “to me, surrendered Wynesham to the church; and confirmed it by a solemn charter, to
 “the effect that the brethren offering in the church the sacrifice of praise to God, should
 “pray for the safety of himself, his ancestors, and successors, and so possess it invio-
 “lably, as by hereditary right.⁽²¹⁾ He promised also that as soon as he was able he
 “would add to the gift the monastery of Oswald.⁽²²⁾ I then, in order that I might still
 “further enlarge the property of my church, obtained by purchase from one of my
 “parishioners called Arsere, with the consent of William the King, the farm which is
 “called Combe;⁽²³⁾ with certain other lands called Wurmeston⁽²⁴⁾ and Littone,⁽²⁵⁾ which I

“ patis, ad augmentum cleri et sustentationem ejus, velud præno-
 “ minata, assignavi.^a Aliud quoque, Kulmetone vocatum, quod
 “ sibi, defunctâ matre, jure hæreditario^b provenerat, Elnedou Glas-
 “ tingensi abbate, ecclesiæ meæ donari, impetravi. Set illud, dia-
 “ bolicâ cujusdam potentis invasione, diu non tenui. Hiis itaque
 “ mansionibus ad sustentationem fratrum, Regum liberalitate,
 “ cum summâ libertate ecclesiæ, delegatis, eorum numerum
 “ adauxi; et quos, publicè vivere et inhonestè mendicare, necessa-
 “ riorum inopia antea coegerat, canonicali, ditatos, instruxi obe-
 “ dientiâ. Claustrum vero et refectorium et dormitorium illis
 “ præparavi, et omnia quæ ad hæc necessaria et competentia fore
 “ cognovi, ad modum patriæ meæ, laudabiliter advocavi. Unum
 “ vero ex ipsis, Ysaac nomine, velud præ cæteris ætate et sensu
 “ ministerio ydoneum, unanimes elegerunt, qui bonis eorum
 “ exterioribus curam impenderet, et interius fratribus. Sententiam
 “ anathematis inflexi in omnes illos, qui vel institutionem meam
 “ canonicè factam in aliquo læderent, vel de possessionibus, vel
 “ per me vel antecessores meos appositis, aliquid tollerent.

^a assignavit.

^b hereditaria.

“ assigned as above said, for the augmentation of the canons and for their support.
 “ Another estate also called Kulmeton⁽²⁵⁾ I prevailed with Elnedou, abbot of Glaston, to
 “ give to my church, to whom it had descended by hereditary right on the death of his
 “ mother: but this, owing to the diabolical interference of a certain powerful person, I
 “ did not hold for any long time. These estates thus being given for the sustentation
 “ of the brethren, through the bounty of Kings, together with the most perfect liberty
 “ of the church, I enlarged the number of them: and those whom the want of the
 “ necessities of life had before compelled to live among the people and to beg in
 “ a mean manner, being thus enriched, I brought to live in regular order in canonical
 “ obedience. I prepared for them also a cloister, refectory and dormitory, and I added,
 “ in a satisfactory manner, all other things which they required, according to the manner
 “ of my own country. They unanimously chose one of themselves, Isaac by name, as
 “ fitter for the office than the rest by age and understanding, who was to take care of their
 “ temporal concerns without, and of the brethren within. I pronounced the sentence
 “ of anathema against all who should in any thing violate the arrangement thus ca-
 “ nonically made, or should take away any part of the possessions thus appropriated by
 “ me or my predecessors.

“ Hujus rei prælibationem ideo præmisi, ut, cùm in sequentibus
 “ de istis et omnibus quæ ad episcopalem pertinent dignitatem terris
 “ confusè tractavero, quæ ad usum canonicorum, quæ ad episcopi
 “ dominium vel dispensationem, propriè, innotescat, et posteritas,
 “ ab ambiguitate libera, terminos suos infra habitantes, aliena non
 “ invadat. Successores vero meos fraternæ dilectionis affectu
 “ moneo, et deprecor, ut supra ecclesiæ hujus per me et anteces-
 “ sores meos positam^a beneficii sui sarcinam, unusquisque rem
 “ augeat, ut fructum recompensationis post hujus vitæ transitum a
 “ Christo gloriosus possideat. Si quis cujuslibet ordinis decreti
 “ hujus violator exstiterit, qui vel ordinationis meæ statum inver-
 “ tere, vel de possessionibus canonicorum usui deputatis quamlibet
 “ parum ad aliud transferre præsumperit, illum episcopus pa-
 “ ternâ ammonitione et consilio regat et revocet, vel induratum
 “ divinæ ultionis severitate compescat, ne, dum male agentem neg-
 “ ligenter tolleraverit, non a se sed aliunde ad modum Hely,
 “ dampnationi incurrat.”

^a *positum.*

“ I have thus given a foretaste of this subject, that when hereafter I shall have
 “ treated of these and all the lands (27) which pertain generally to this episcopal
 “ see, it may be known what belongs peculiarly to the use of the canons and
 “ what to the demesne and disposal of the bishop; and so, posterity being
 “ freed from all uncertainty on this subject, one party may not encroach upon the
 “ rights of another. But now I warn my successors in the spirit of fraternal affection,
 “ and I entreat them out of regard to the benefits conferred on this church by me and
 “ my predecessors, that each of them would endeavour to add to its property, that
 “ they may possess in glory the fruit of a recompense from Christ when they have
 “ passed out of this present life. If any one, of whatever rank, shall violate this
 “ decree, either as overturning this my ordinance, or presuming to transfer to some
 “ other purpose any part, however small, of the possessions set apart to the use of
 “ the canons, him let the bishop, by paternal admonition and counsel, rule and ad-
 “ vise, or, if he is hardened, restrain by the severity of divine vengeance, lest while he
 “ negligently suffer the evil-doer to proceed, he may, after the manner of Eli, incur a
 “ sentence of condemnation not from himself but from another quarter.”

Ecce rei veritas de convenientiâ Wellensis ecclesiæ quam venerandæ memoriæ Gyso scriptam reliquit.^a Qui, cum annos circiter xxvii. in cathedrâ pontificali sedisset, decurso dierum suorum circulo, obdormivit in Domino, et sepultus est in ecclesiâ quam rexerat, in emiciclo facto in pariete a parte aquilonali prope altare, sicut Duduco prædecessor ejus sepultus est a meridie juxta altare.

Ipsi vero Gysoni successit JOHANNES, natione Turonensis, vir prudens et providus. Qui cum Rex excellentissimus Willielmus senior, qui xxij. annis regnaverat, fine laudabili vitam conclusisset, et Willielmus junior filius ejus pro eo regnaret, consecratus est episcopus in Julio, et statim cathedram Pontificis transtulit de Wellâ Bathoniæ. Nam cum in multis et magnis obsequendo Regis familiaritatem optineret, impetravit ab ipso, sibi, civitatem Bathoniæ; et non multo post, hæreditatem Hugelonis cum Barbâ, lx. libras valentem, ab eo mercatus est; et ex hiis episcopatum adauxit. Quo facto, quum episcopus putabat sibi licere episcopatum ex parte minuere, quem ex parte auxerat, partem reddi-

^a *reliquid.*

Behold, now you have the truth concerning the settlement of the possessions⁽²⁸⁾ of the church of Wells which Gyso of venerable memory left in writing. He, when he had sat about twenty-eight years in the episcopal chair, the circle of his days being completed, slept in the Lord, and was buried in the church which he had governed, in a little niche made in the wall, on the north side near the altar,⁽²⁹⁾ as Duduco his predecessor was buried on the south side of the altar.

To Gyso succeeded JOHN, by birth a man of Tours, prudent and provident; who when the life of the most excellent King William the elder who had reigned twenty-two years had come to a praiseworthy end, and William the younger his son reigned in his stead, was consecrated bishop in the month of July, and immediately transferred the episcopal seat from Wells to Bath. For, having been employed by the King in many and great affairs, and having in consequence grown into familiarity with him, he begged of the King for himself the city of Bath,⁽³⁰⁾ and not long after he purchased the inheritance of Hugelo cum Barba⁽³¹⁾ for sixty pounds. With these he enriched the bishopric. Having done this, the bishop thought that as he had increased the revenues of the church in one direction, so he might be at liberty to diminish them in

tuum ecclesiæ Welliæ contra canones distraxit, et Heldeberto dapifero suo distribuit redditus ecclesiæ equiperantes xxx. libras et ultra. Domicilliis quoque canonicorum quas Gyso venerabilis construxerat, refectorio scilicet et dormitorio, necnon et cellario, et aliis officinis necessariis, cum claustro, dirutis, canonici foras ejecti, coacti sunt cum populo communiter vivere; quos Gyso docuerat regulariter et religiosè cohabitare. Set cum Dei misericordia, quæ super omnes est et in omnibus, illum respiceret, sicut scriptum est 'Quos Deus prædestinavit hos et vocavit, et quos vocavit hos et justificavit,' pœnitentiâ ductus de sacrilegio perpetrato, respuit et pœnituit, et pœnitentiam suam scriptam reliquit.^b Johannes vero Archidiaconus terras quas pater suus [obtinuerat] per hæreditatem, et præposituram canonicorum, nichilominus sibi usurpavit. Sedit autem Johannes episcopus circiter xxxvj. annos, et in pace quievit iij. kalendas Januarii, et sepultus est in ecclesiâ Bathoniæ ante altare beatæ Mariæ.

Cui successit GODEFRIDUS natione quidem Thetonicus, nobili genere ortus, vir mansuetus et pius; cujus toto tempore Johannes

^a *reliquid.*

another, and he accordingly took a portion of the rents of the church of Wells against the will of the canons and gave them to Heldebert his steward, to the value of thirty pounds and more. Also the houses of the canons which the venerable Gyso had built, as the refectory, the dormitory and the pantry, and other buildings having been destroyed by him, together with the cloister itself, the canons whom Gyso had taught to live together regularly and religiously, were turned out of doors to live in common among the people. But when the mercy of God, which is over all and in all, was directed upon him (according as it is written 'Whom God hath pre-destinated those also he hath called, and those whom he hath called those he has justified') being led to repentance for the sacrilege of which he had been guilty, he wished undone what he had done, and left a written evidence of his penitence.⁽³²⁾ But John, the Archdeacon, nevertheless asserted for himself a right to the lands of his father by inheritance, and to the provostship of the canons.⁽³³⁾ John the Bishop sat about thirty-six years, and dying in peace on the third of the calends of January was buried in the church of Bath before the altar of the Blessed Mary.

To him succeeded GODFREY, a German by birth, sprung from a noble family, a man

Archidiaconus terras canonicorum, quas injustè usurpaverat, tenuit et tenere non destitit: ita quod aliquatenus episcopus, licet quæstionem inde sæpius movisset,^a terras optinere nequivit. Sed neque judicium vel justitiam habere potuit, obstantibus Rege Henrico et Rogero episcopo Sar', quippe cum ipsi ^b causam Johannis licet injustam fovere non desisterent. Episcopus vero, cum xiiij. annis sedisset in episcopio, factus est de medio in angusto, et sepultus in ecclesiâ Bathoniæ juxta altare a parte aquilonali. Johannes vero Archidiaconus, correptus infirmitate, statim exinde pœnitentiâ ductus, hæredi suo et fratri Reynaldo postea præcentori Welliæ mandavit, quatinus animam patris sui et suam [dilexit] et se ipsum a pœnis inferni liberaret, ut ^c desisteret sibi vindicare terras canonicorum.

Nec mora post, Henrico Rege decedente, et Rege Stephano succedente, suscepit ROBERTUS episcopatum Bathoniæ. Iste Robertus monachus cœnobii de Lewes, quem bonæ memoriæ Henricus episcopus Wynton' quomodo illinc acceperat et Glaston' miserat, uti rebus abbatiae disponderet, claris parentibus exstitit oriundus, vir religiosus, et omnibus omnia factus. Qui cum sedem

^a monuisset.^b ipse.^c et.

gentle and pious; during the whole of whose time John the Archdeacon continued to hold the lands of the canons which he had unjustly usurped, nor could the bishop obtain them, though he made some efforts to do so. But neither judgment nor justice could he obtain, being opposed both by King Henry and by Roger then Bishop of Salisbury, for they always favoured the cause of John, unjust as it was. But this Bishop, when he had sat thirteen years, passed from the world to the grave (?) and was buried in the church of Bath near the altar on the north side. But John the Archdeacon, being seized with sickness, was led at length to repentance, and charged his brother and heir Reginald, who was afterwards precentor of Wells, as he loved the soul of his father and his own soul, and would free himself from the pains of hell, he should desist from asserting a right to the canons' lands.

Immediately on the death of Henry the King, and the succession of Stephen, ROBERT became Bishop of Bath. This Robert was a monk of Lewes, whom Henry, Bishop of Winchester, of worthy memory, had somehow taken thence and sent to Glaston, that he might put the affairs of the abbey in order.⁽³⁴⁾ He was descended of illustrious

episcopii concendisset, et res et terras ecclesiæ Welliæ flebiliter et injustè distractas invenisset, Johanne Archidiacono jam defuncto et Præposito, terras ecclesiæ sic destructas et districtas et ecclesiæ sullatas, consilio et auxilio illustris Regis Stephani et venerabilis episcopi Henrici, sedis apostolicæ tunc legati, conservavit et canonicis resignavit: et quibus Johannes Præpositus nichil nisi lx. solidos annuos solverat, episcopus unicuique c. solidos annuos assignavit. Et Reynoldus, qui quasi hæres videbatur, accepto fratris mandato, Bathoniam veniens in manum [R] clarissimæ memoriæ, quem jam tunc invenit episcopum, terras et redditus canonicorum quos injustè pater et frater suus usurpaverant refutavit,^a et præcentor ecclesiæ Welliæ effectus est, episcopo donante ei præcentoriam et præbendam et totum manerium de Cumbe cum pertinentiis. Addendum est etiam, quod ipse ecclesiam beati Petri apostoli de Bathoniâ magnis cum expensis construi fecit. Capitulum quoque et claustrum, dormitorium et refectarium, et infirmatorium^b nichilominus edificari fecit. Porro non est oblivioni tradendum, quod ecclesia Welliæ suo consilio fabricata est, et

^a*refutante.*

^b*firmatorium.*

parents, a religious man, and expert in business. He, when he had ascended the episcopal seat and found the lands and goods of the church of Wells woefully and unjustly torn away, John the Archdeacon and Provost being then dead, the lands thus torn away he got together, and restored to the canons, being in this counselled and assisted by the illustrious King Stephen and the venerable Bishop Henry, at that time the legate of the apostolic see; and while John the Provost had paid to them no more than sixty shillings annually, the Bishop assigned to each of them an annual pension of one hundred shillings. And Reginald, who was in one sense the heir, according to the injunction left by his brother, repaired to Bath, and there resigned into the hands [of Robert] of renowned memory, whom then he found bishop, the land and rent of the canons, on whom his father and his brother had unjustly usurped. He was made precentor of the church of Wells, the Bishop conferring on him the precentorship (35), and, as a prebend, the whole manor of Combe, with its appurtenances. It is also to be added that the same bishop built, at a great expense, the church of the blessed Peter the Apostle at Bath. (36) He built also a chapter-house and cloister, dormitory, refectory and infirmary. Nor ought it to be forgotten that the church of Wells was

auxilio. Et factum est, cum perfecta esset ecclesia Welliæ ab eodem domino Welliæ, ascitis sibi et adjunctis grandis et præclaræ memoriæ tribus pontificibus, G.^a Sar' et S. domino Wygorn', Roberto domino Herefordiæ, consecravit et dedicavit ipsam ecclesiam. A quibus omnibus statim factâ dedicatione, magnum mirificum et memorandum collatum est donativum; videlicet quod singulis annis in die dedicationis anniversario, ipsis Dei misericordiâ confisis concedentibus, c. dies de pœnitentiâ suâ relaxantur pœnitentibus ipsâ die ad eandem, ad honorem Dei, venientibus.

Decanatum etiam in ecclesiâ constituit, et decanum et præcentorem primos ordinavit. Duas etiam præbendas apposuit, ecclesiam Jattona et Hywys cum ecclesiâ de Cumtonâ; quarum et aliarum distinctionem et ordinationem cum fecisset, in memoriam perpetuam cartam inde scripsit; quam etiam dominus Papa confirmavit. Nec est etiam cum silentio prætereundum, quod cum ab antiquo Wellensis ecclesiæ Pontifices, in curiâ Romanâ, et in registris, et scriptis a curiâ missis, '*Pontifices Fontanenses*' dicerentur, et tunc postquam cathedra translata fuit Bathoniæ, et

^a H.

was built by his counsel and assistance. And so it was, that when the church of Wells was finished, the Bishop associated with him three other bishops, Gosceline Bishop of Salisbury, Simon Bishop of Worcester, and Robert Bishop of Hereford, who consecrated and dedicated the said church; who as soon as the work was accomplished, all joined in conferring a great, wonderful, and memorable favour; namely, that in every year on the anniversary of the dedication, to those trusting in the mercy of God, being penitent, and coming on that day to the said church to the honour of God, one hundred days of their penance should be released. He also established the office of dean in the church, and ordained the first dean⁽³⁷⁾ and precentor⁽³⁸⁾, assigning to them two prebends, the church of Yatton,⁽³⁹⁾ and Hywys⁽⁴⁰⁾ and the church of Compton; ⁽⁴¹⁾ of which churches, and of others, when he had made the distribution and ordination, he prepared a charter of it for perpetual memory, which the Pope confirmed. Nor is it to be passed over in silence, that, whereas from early times the Bishops of the church of Wells in the court of Rome, and in the registers, and in writings sent from the court, were called '*Pontifices Fontanenses*,' and so continued to be named after the episcopal seat was transferred to Bath, the Bishop of whom we speak obtained

ante, ipse de quo loquimur episcopus a domino Papâ et a curiâ Romanâ impetravit, quatinus exinde '*Bathonienses*' dicerentur. Amplius cum silentio reticeri non est conveniens, quod idem piæ memoriæ præsul, de quo hic agitur, Robertus, a glorioso Rege Stephano impetravit, dari canonicis Wellensis ecclesiæ in præbendas canonicorum, ecclesias de Norcuri et de Pedertonâ, quarum donatio ad regiam pertinebat majestatem. Unde Rex ipse cartam suam adjecit cum cartâ præclaræ memoriæ Teobaldi Cantuariensis episcopi et Romanæ sedis tunc legati, eandem confirmantis donationem. Amplius restat vero quoddam memoriale dignâ dignum memoriâ, quod nec expedit omitti, set potius est necesse scripto committi. Enimvero cum dominus prætaxatus, terras ecclesiæ, sicut annotatum est injustè destructas, et ecclesiæ collatas, xx. fere annos vel ultra, justè et quietè tenuisset, et deinceps glorioso rege Stephano decedente, rex præpotens Henricus secundus regni gubernacula suscepisset, nepotes præcentoris Reynaldi, terras prætaxatas repetentes, litem et causam in ecclesiam et episcopum et ipsum præcentorem virum fidelem et justum, moventes, eos ad capitulum in curiam laycam, coram judicibus, contra canones,

from the Pope and the court of Rome, that they should thenceforward be called '*Bathonienses*.' (42) Furthermore, it is not proper that we should pass over in silence that the said prelate, of pious memory, of whom we are speaking, namely Robert, prevailed with the glorious King Stephen to give the canons of the Church of Wells, as prebends of the canons, the churches of North Curri and Petherton, (43) the presentation to them then pertaining to the kingly dignity. Whereupon the King himself joined his charter to that of Theobald Bishop of Canterbury, of renowned memory, then the legate of the Roman see, confirming the same donation. Something more remains worthy of being preserved in memory, which ought not to be omitted, but which it is rather especially expedient to commit to writing; namely, that when the Bishop had held justly and quietly for about twenty years those lands of the church, of which we have before spoken as having been unjustly torn away from the church, and then the glorious King Stephen being dead, and the powerful King Henry the Second having taken the reins of empire, the nephews of the precentor Reginald, seeking to get again the aforesaid lands, instituted a suit against the church, the bishop, and even against the precentor himself, a man faithful and just; and brought them *ad capitulum* in a lay court, before judges, contrary to the canons. But when the Church

traxerunt. Sed cum ecclesia diutinè vexata, et bonæ memoriæ Ivo tunc decanus et capitulum, nepotibus præcentoris in eos insurgentibus, diutius affligentibus, tandem, auctore Deo, misericordia Dei, de quâ plena est terra, ex improvise desolatis misit solatium. Nam Deo inspirante et Reginaldo interloquente, inclinata sunt corda nepotum ejus ad pacem reformandam inter eos et ecclesiam. Et acceptis ab ecclesiâ septuaginta marcis argenti, abjurarunt terras beati Andreæ pridie idus Marcii, vj. milites et duo juvenes strenui et magnanimes militum fratres, apud Bathoniam in thalamo pontificis, coram clarissimæ memoriæ duobus episcopis, Roberto domino Bathon' et Rogero domino Wygorn'; præsentibus et videntibus Ricardo tunc decano Welliæ, archidiacono Thomâ, et Roberto Bathon', Godefrido Wygorn', astante turbâ multâ tam cleri quam populi. Persolvit etiam ecclesia pecuniam militibus prænominatam, per manum Ricardi tunc decani et aliorum canonicorum; unde in posterum memoriam factum est cirographum inter ecclesiam et eos. In cujus cirographi utrâque parte, dependent sigilla episcoporum qui interfuerunt, et sigillum Well' ecclesiæ, et militum Pagani de Penebrige, et Rogeri Wyteng.

had been a long time disturbed, as also Ivo the dean, of worthy memory, and the chapter, the nephews of the precentor thus rising up against them, and for a long time harassing them, at length God interfering, his mercy, of which the whole earth is full, sent on a sudden comfort to the desolate: for, by the divine suggestion and the interposition of Reginald, the hearts of his nephews were inclined to peace between them and the Church, and accepting from the Church seventy marks of silver, they abjured all right to the lands of the blessed Andrew on the day before the ides of March, being six knights, and two brave and high-minded youths, brothers of the knights. This they did at Bath, in the lodgings of the Bishop, before two bishops of renowned memory, namely, Robert bishop of Bath, and Roger bishop of Worcester; these being present also, and witnessing the act, Richard then dean of Wells, Thomas the archdeacon, Robert of Bath, and Godfrey of Worcester, a great number of the inferior clergy and of the people being also present (44) The Church paid the aforesaid sum to the knights by the hand of Richard, then the dean, and of the other canons: whereupon a chirograph was made between the Church and them for perpetual memory. To both parts of which chirograph hang the seals of the bishops who were present and the seal of the church of Wells, and of the knights Payne de Penebrige and

Cujus cirographi unam partem ecclesia reconditam habet in scriniis, reliquam milites. Dominus quoque A. Papa III. compositionem inter ecclesiam et ipsos factam confirmavit. Sedit autem in episcopatu Robertus dulcis memoriae xxix. annos et menses quatuor, et obdormivit in Domino II. kalendas Septembris, et sepultus est in ecclesiâ beati Petri ante gradus magni altaris.

Cessavit autem ex tunc episcopatus et vacavit viij. annis et viij. mensibus et xv. diebus usque dum eligeretur REGINALDUS qui electus est in Junio, et sequenti anno proximo consecratus est in Junio in Mauritiâ.

Roger Wyteng; of which chirograph the Church has one part laid up in its repositories, and the knights have the other. Also Pope Alexander the Third confirmed the composition made between the Church and them. Robert, of fragrant memory, sat in the episcopal seat twenty-nine years and four months, and then slept in the Lord on the second of the calends of September. He was buried in the church of the blessed Peter, before the steps of the great altar.

From that time there was no Bishop for the space of eight years eight months and fifteen days, until REGINALD was elected, which election took place in the month of June, and in the June of the year next following he was consecrated in Moriana.⁽⁴⁵⁾

NOTES.

(1.) The floating traditions of a province which abounds, perhaps more than any other part of England, with traditions respecting events in the early history of the English Church. The writer alludes to what he is going to relate concerning Congresbury, where the tradition is not borne out by any kind of written evidence within at least four centuries of the time of the supposed flourishing estate of that place, nor by any apparent probabilities. He must allude also to the story he is about to tell of the discovery of Ina, a herdsman's son, near Somerton. But of all the Somersetshire traditions those of Glastonbury are the most magnificent: nor are they without some support from the written and authentic memorials of the earlier ages of the Christian Church.

(2.) That there was in the country of the West Saxons a Bishop, '*plebis Dei inspector*,' named Daniel, or '*venerandus Antistes*,' as he is called in the body of the instrument, is one of the statements in the Great Charter of King Ina to the church of Glaston, and he is there shown to be contemporary with Ina, Ethelburga, and Beorthwald the Bishop of Canterbury. That a Bishop had his seat at Wells is also, if not asserted, plainly implied in this instrument: "*hoc etiam provideat idem Episcopus, ut singulis annis cum clericis suis qui Fontanetum sunt, ipsam matrem suam, Glastoniensem videlicet Ecclesiam, feriâ secundâ post Ascensionem Domini, cum leteniâ recognoscat.*" The date of this Privilegium is A. D. 725; but strong suspicions are entertained by many of its genuineness. It seems however that we should have something more decisive than the presumptions of Stillingfleet or Collier, before we entirely give up the authenticity of an instrument which was we know deemed genuine in the reign of King Henry the Second, and which it cannot be denied has many marks of genuineness. Few would wish to check the spirit of close investigation into the authority of what are propounded as antient diplomas: but there is a pride of scepticism as well as a too easy readiness of assent, and we ought not to suffer ourselves to be deprived without sufficient reason of any evidence of the ancient glories,

whether political or religious, of the land to which we belong. It ought also to be kept in view by the too critical scholar, that minute circumstances, which were proofs of genuineness for some ages, may become lost to us as proofs by the obscurity which, after a long lapse of ages, maybe thrown over the evident facts or remains to which those circumstances had relation. However, I cannot enter into any full examination of this charter, and content myself with referring to the observations of Hearne, and to what is found in the Glaston historians. More may be expected from Mr. Kemble, in his collection of Saxon charters soon to be published. On the place in which the episcopal seat was situated, in which Daniel is represented to have sat, and a series of Bishops before him whose very names are forgotten, I have a few remarks to make. It is generally supposed that the Daniel contemporary with Ina is the Bishop of that name who stands the sixth in Godwin's series of the Bishops of Winchester : but the Somerset tradition, we see, places him at Congresbury as the general superintendent of the churches of Somerset, and represents him as having transferred the seat from Congresbury to the more convenient and more desirable position of Wells, where, in his time, in Ina's charter, we find a Bishop. Few things can be more improbable than that Congresbury can have been the seat of the general superintendence of the Somersetshire church. There are no antient roads pointing towards it. Its position in the marshes is favourable to another ecclesiastic tradition respecting it, that a Christian hermit, who came from the East, took up his abode there, like St. Guthlac in the marshes of Lincolnshire, but not at all to its having been an episcopal seat. Indeed the whole matter, depending as it does solely on tradition, is perhaps scarcely worth the pains which are being bestowed upon it ; but supposing that there is any reason to believe that before the time of Ina there was a series of Bishops in Somerset, which, believing in the eminently high antiquity of Glaston, I would by no means doubt, I should place their seat, not at Congresbury, but at a place the name of which bears a near resemblance to Congresbury, that is *Kingsbury*, a place near to Ilchester, the Roman Ischalis, and not far from the line of the great road which ran from Cirencester through Bath and Wells to Ilchester. The name, *Kingsbury*, denotes a royal residence, corresponding as it does to Coningsborough, and other places about which there can be no doubt that they were in some way connected with early kingships : and where was the seat of royal authority, there seem to have been the early seats of episcopal authority also, as at Canterbury, York, London, Winchester, Dorchester. Kingsbury was a very early

possession of the Church of Wells, while Congresbury was but a recent acquisition; for the writer of this history informs us that Congresbury, that is, the hide there mentioned in Domesday, for the chief interest was in the crown till King John granted it to Bishop Josceline, was acquired by gift of Bishop Duduco, who had obtained possession of it before he was Bishop. I shall make one remark more, and then dismiss this unprofitable enquiry. If Congresbury had possessed the consequence which this tradition gives to it, we should in all probability have found it giving name to the Hundred in which it is situated, as Bath, Taunton, Wells, and other places of ancient consequence do. Kingsbury also gives name to its own Hundred. On the whole, it seems probable that the tradition originally belonged to *Kingsbury*, and became by some mistake transferred to the place of similar name, *Congresbury*.

(3.) In despair of making any sense of the *intepeste noctis silentio*, I have ventured a restoration, which however would itself scarcely be held a legitimate phrase were it not sanctioned by the following passage in Bede: "Cum que diu tacitis mentis angoribus et cæco carperetur igni, vidit subito *intempestæ noctis silentio* adpropinquantem sibi hominem vultus habitusque incogniti, &c." *Hist. Eccl. Lib. ii. cap. 12.* Ed. Smith. fol. 1722, p. 92. I owe the reference to Mr. Bond.

(4.) This is indisputably the orthography of the manuscript before us. The *Historia Minor* of Wharton has the name *Tideston* or *Tiderton*, and Godwin prints it, I know not on what authority, *Tidington*. Camden does not seem to have been aware of this name, as he mentions only *Theodorodunum* as a name which gave way to *Wells* before the time when the place became the seat of a Bishop. He quotes Leland as his authority for *Theodorodunum*, and no other.

(5.) We are now arrived within the range of authentic history. This catalogue of nine Saxon Bishops who preceded Gyso, the great benefactor to this see, corresponds with that in the *Historia Minor* of Wharton; and they both agree in placing Sigarus as the successor to Daniel. The age of Sigarus is however well known to have been towards the close of the tenth century, and it is manifestly impossible that the series of nine Bishops, predecessors of Gyso, can have filled up the whole interval from the time of Ina. It is perhaps just to the writer of this little history to understand him to mean that Sigarus succeeded *after a long interval*, during which there was a series

of bishops whose names are lost. It is however a remarkable circumstance, that in the obituary of the Church of Glaston there is a Bishop named Daniel who is there said to have died in the year 956, which is about the time when the predecessor of Sigarus must have died. His obit was celebrated on the 8th of the ides of October. See Hearne's *Adam of Domesday*, 8vo. 1727, page 93.

The serieses of Saxon Bishops, as given in this History, in the two Histories of Wharton, and by Malmesbury, are confused and contradictory. What may be said for this is, that it has equal claims with any other to be regarded as supplying correctly the names and the order. But in truth the English Fasti, whether ecclesiastical or civil, are at present in a deplorable state of imperfection and confusion: not in respect of the times before the conquest only, where imperfection is excusable, but even in the Plantagenet and Tudor reigns, when there are abundant materials to make them complete, could the materials be used. Without attempting to set the whole series right, I may observe that Burthwold occurs in this list who is wanting in Malmesbury: a circumstance noticed by the author of the *Historia Major*, on the authority of an obituary of the Church of Wells, and of a tomb in the Cathedral Church which was said to be his: and that we have the testimony of Gyso that Merwith, Merewitt, or as the name is here written Merechyyt, was but another name for Brithwin, or as Gyso writes the name, Brithcri, if we may trust his copyist. According to Malmesbury, as printed in the *Scriptores post Bedam*, p. 154, this Brithcri or Brithwi Merewith lived till after the Conquest. This is a palpable mistake, but not of the chronicler himself, it being evident that a line of his manuscript has been lost, through the carelessness of a transcriber or the printer, between the words *Brithwi* and *Lotharingus*. It will be observed that neither Duduco nor Gyso is in Malmesbury's list. Their names were evidently in the line which has been lost; it being Gyso, not Brithwi, who lived in the times of the Confessor and the Conqueror, and who was by birth a Lorrainer, and the immediate predecessor of John. This accidental mistake of the transcriber or editor or printer of Malmesbury is the more worthy of notice, as it has been the means of leading Godwin astray, or at least of making him throw a doubt on the fact to which we have now the testimony of Gyso himself, that Duduco (a name of singular formation) was a Saxon. Godwin's words are these: 'Dudoco, nonnullis Bodeca, è Saxonîa Germaniæ oriundus, aut (ut quibusdam placet) è Lotharingiâ,' &c. *De Præsul.* 4to. 1616. p. 415, and Godwin being led astray has himself misled others. See Britton's *History and Antiquities of the Cathedral Church of Wells*, 4to. 1824, p. 20; where is, however, a cautious inves-

tigation of the evidence respecting the early history of this see. William of Malmesbury, and the *Historia Major*, carry back the commencement of the series to the beginning of the 10th century, when the see was first established by the authority of the Pope, and by the immediate instrumentality of Plegmund Archbishop of Canterbury, being severed from the ancient diocese of the Bishops of Sherburn. This is no doubt so far the authentic history of the origin of this see, but it admits of being reconciled with Ina's charter thus: Daniel sat at Wells, but his successors sat at Sherburn with a wider diocese. Plegmund, in the time of Edward the Elder, divides the diocese of Sherburn, and places one Bishop at Wells and the other at Salisbury. The interval before the time of Sigarus is filled up according to them with six Bishops: Adelm the first, who had been Abbot of Glaston, and after him Wulfelm, Elphage, Wulfelm, Brightelm and Kineward. This series is open to suspicion. There is nothing of these names in the history before us.

(6.) We shall afterwards see how this was lost. The authority of this history appears to be unquestionable in respect of the connection of the church of Wells with that of Gloucester, but I see nothing of it in the accounts of the Gloucester monastery. See *Mon. Ang.* new edit. i. 531. This connection is slightly noticed in the *Historia Major*.

(7.) The words of Gyso must here be understood with some reservation. We have a large account of Congresbury in Domesday under the *Terra Regis*, from which we learn that before the Conquest it had belonged to Earl Harold, and was at the time of the Survey in the hands of the King. The church also belonged, not to the Bishop of Wells, but to Maurice Bishop of London. It is added, in a kind of supplement to the account given of this rich manor, that two hides had been severed from it since the T. R. E., one of which was then held by Serlo de Burci and Gislebertus fil. Turolde, and the other by Gyso the Bishop. This must be the portion of Congresbury which was acquired by Duduco, and by him given to the church. A century and a half later King John granted the manor and advowson to Josceline bishop of Bath and Wells. See Collinson, iii. 584.

(8.) This manor (Banwell), which had belonged to Harold in the time of the Conqueror, was a part of the possessions of the Bishop at the time of the Survey.

(9.) *Inminente die vocationis suæ* : see Du Cange, voce *Vocatio* and *Vocatus Episcopus*. *Vocatio Dominica* is sometimes used by the writers of the Middle Ages among the many gentle periphrases for *Mors*.

(10.) This is also found in the *Historia Major*. Godwin conjectures that one of the ancient monuments in the church of Wells was placed there as a memorial of Duduco. 'Veterum monumentorum quæ inter columnas visuntur hodie extra chorum, supremum illud, ab australi latere, hujus Dudoci fuisse crediderim.' *De Præsul.* p. 415. He had read the *Historia Major* in the Register of the See of Bath and Wells, of which his father was Bishop.

(11.) The *Historia Major*, and Malmesbury when restored, state that the territory Hasbaniensis, and the town of Saint Trudo, were in Lorraine. So that Gyso was one of those foreign prelates who were elevated by King Edward. Valesius has collected all the intimations he could find of the position of this territory, about which it seems there has been some difficulty. I quote the passage, to which these few words of Gyso form a useful addition :

"HASBANIA. Paullus Langobardus in libro de Episcopis Mettensis Ecclesiæ pagum Hasbaniensem vocat, et Chrodegangum ex pago Hasbaniensi oriundum esse tradit. Qui de vitâ Imperatoris Ludovici librum composuit, auctor æqualis pagum quoque Hasbaniensem appellat his verbis. 'Anno dcccxxxiv. Lotharius patre assumpto per pagum Hasbaniensem iter arripuit, et Parisiorum urbem petiit.' Ludovicus ipse in divisione regni sui inter filios Asbaniam sine adspiratione nuncupat, et Ardenne atque Bragbento interponit : qui hodieque situs est Hasbania. Pagum Hasbanicum commemorant Annales Fuldenses in rebus anni dcccxxxi. et inter Trajectum ac Ripuarium, id est inter Trajectum Tungrorum ad Mosam ac Ripariam collocant.

"Carolus Calvus in divisione Regni Lotharii anno dcccclxx. inter pagum Lomensem et Masau seu Mosanum pagum Hasbanium ponit, et in eo comitatus quatuor : ex quo intelligitur Hasbaniam non mediocris amplitudinis regionem tum extitisse, cum quatuor comitatus pagosque contineret. Notgerus de Vitâ Remacii Hasbanium etiam appellat ; Hasbaniam scriptor vitæ Eucherii Aurelianensis Episcopi, qui et Ecclesiam S. Trudonis in Hasbania ponit : sicuti Molanus ait in Hasbania ac in Diœcesi Leodicensi ad torrentem Cisindriam esse oppidum Monasterio S. Trudonis insigne ac nomine, olim vicum Sarchinium vel Sarcinium dictum, quamquam aliqui Sarchinium à S. Trudonis

Monasterio oppidoque distinguunt. *Belisiam* idem Molanus *oppidum* esse *Hasbanie* prodit, Episcopoque Leodicensi subjectum, quod vulgo *Bilsen* aut *Wilsen* nuncupatur. Adjicit *Hasbaniam fuisse olim comitatum in Brabantid, et nunc adhuc ei ex parte subesse*. Certè Tenas, vulgo *Tienen*, nostris *Tillemont*, oppidum Hasbanie Brabanticæ dici reperio. Sed tamen Hasbaniam olim comitatum in Brabantia extitisse non credo, cum iv. ipsa comitatus contineret, totidem scilicet quot Brabantum vel Brabantia, Hasbaniam Germani *Haspen-govv* vocitant, id est Hasbaniensem pagum: nostri nunc *Hasbaigne*, ut Hispaniam *Hespaigne*, Britanniam *Bretaigne*, Alamanniam *Allemaigne*, nunc *Hasbain* vel *Hesbain*. Hinc villa in Hasbanio *Ville en Hesbatn* vulgo dicitur, locus non procul ab Hoio, inter Mosam flumen et Brabantiam Galliam. Ab quibusdam vocatur et *La Hesbaye*: quam Latinè a fluvio Hasba cognominatam esse aiunt Hasbaniam, sicut Hainoum ab Haina, Indiam ab Indo, Boeticam à Boeti, Iberiam ab Ibero. Hasba autem seu Hasbana inter Landas et Tenas medius decurrit, et vulgo *Haspen* nuncupatur alias *Hespen*, alluitque vicos præ cæteris duos, alterum *Cishasbam* a situ dictum, Germanicè *Neer Hespen*, alterum *Trans-Hasbam*, Germanicè, *Over Hespen*. Legi literas Henrici III. imperatoris, datas anno Domini mxxl. in quibus *Haspinga* appellatur nomine ad *Haspengau* vel *Hespengou* proxime accedente, quâ in regione frumenti ferace Tenas, oppidum S. Trudonis ac Trajectum superius sive Trajectum Tungrorum ad Mosam non nulli collocant." *Hadriani Valesii Notitia Gallorum*, fol. Par. 1675, p. 242.

(12.) A clause seems to be wanting which contained the object with which he was sent by the Confessor on this honourable mission. The *Historia Major* states that it was on matters which troubled the conscience of the King.

(13.) That is, the third week after Easter. "ALBÆ, Hebdomada quæ Pascha vel Pentecostem subsequitur. Nominis rationem exponit Rebanus lib. 2 de Instit. Cleric. cap. 10, 'quos septem dies Albas vocitamus, propter eos qui in sanctâ nocte baptizati albis per totam hebdomadam utuntur vestibus.'" Du Cange: who has other authorities. This probably is the true origin of our own *Whitsuntide*.

(14.) These numerals are of value to those by whom exactness is valued, for one of the histories in Wharton states that the number was five, and the other ten.

(15.) The contracted word is so read, the word *Refectorium* occurring in another place in connection with *Claustrum*.

(16.) Of course the Confessor ; a peaceable, benevolent and pious prince, in an age of violence.

(17.) This is one of the Manors belonging to the Bishop of Wells enumerated in Domesday Book. It is there said to have been the Bishop's *τ. ρ. ε.* Of course the *Tempus Edvardi*, so often occurring in that Record, must be taken, in this instance at least, to refer to a period later than the time when Gyso became Bishop ; that is, to A.D. 1060, or later.

(18.) This was not done till the time of her widowhood. The charter, which is in the vernacular language, is in the Monasticon, new edit. ii. 287. Merk and Modesley are in Wedmore. See Collinson, i. 189.

(19.) To pronounce the sentence of the greater excommunication. The Ails, who held it unjustly, appears in the Domesday Survey under the name of Elsi as holding Winesham *τ. ρ. ε.* which at the time of the Survey was in the hands of the Bishop and his tenant Osmund. The possession of Winesham by the Bishop was afterwards strengthened by a charter of the Conqueror, which is in the Monasticon, ii. 288.

The expression *post judicium Provincialium* is worthy of notice, as bearing upon the administration of justice among the Saxons. There is some learning on this word in Palgrave's History of the Constitution ; as there is also on the *ad Capitulum*, which occurs a few pages later. See also Du Cange, voce *Provincialis* ; but better, Charpentier, on the same word.

(20.) This is a clearer and more consistent account of the relations between the Bishop and Earl Harold than is given from the authorities hitherto published. The whole is in fact perfectly intelligible as Gyso himself delivers it, and his account receives some confirmation, were it required, from Harold's charter when king, in the Monasticon, ii. 287, in favour of Gyso.

(21.) This charter of the Conqueror, to which I have referred above, is in the

Monasticon. The king gives Wynesham to the Church of Wells, 'ammonitione et prece Gysonis episcopi,' ii. 288. Winesham is in Kingsbury East Hundred.

(22.) I have not been able to ascertain what house this was.

(23.) This is another instance in which the statements of Gyso are supported by the testimony of Domesday. Combe there occurs among the possessions of the Bishop of Wells, and it is said that it was held in the time of the Confessor by Azor, who is evidently the Arsere of Gyso's narrative. Combe St. Nicholas is the place intended, which is in Kingsbury Hundred. Collinson, ii. 475.

(24.) There is no mention of this place in Domesday. It is, I believe, near the city of Wells.

(25.) We have here a still more striking instance of the support which is given to this narrative by the independent testimony of Domesday. Litton and Wurmeston, Gyso tells us, he assigned to the Canons for their support, and in Domesday we find, at the close of the account of the lands possessed by the Bishop, Litune, Litton, not held by the Bishop, but by the Canons of Saint Andrew. They held it also T. R. E. so that this appropriation was made by Gyso before the Conquest.

(26.) No place of this name occurs in Domesday. The Abbot of Glaston who gave it is better known by his name in another orthography, Egelnouth, or Ailnothus.

(27.) The other lands may be seen in Domesday Book. They were all, with one exception, ancient inheritance of the Bishop, having been in his hands T. R. E. The exception is Latune (Yatton), which was held by Johannes Danus in the time of the Confessor; and Gyso, it appears, according to his system, should have shown how this manor came into his hands.

(28.) So I translate *convenientia*, which is explained by Du Cange, 'Partium conventio, contractus;' and also, 'Pars quæ alicui in re quapiam ex pacto competit.'

(29.) Godwin says, 'Nec mihi dubium est, ex vetustis illis tumulis quos ab

aquilonari parte chori videmus collocatos, supremum ad hunc Gisonem spectare ;' and he adds; 'virum à nobis, propter multa in ecclesiam nostram collata beneficia, cum omni gratitudine celebrandum.' *De Præsul.* p. 417. Gyso was evidently a great benefactor to his church, as well as a firm and bold prelate.

(30.) We have now lost the benefit of Gyso's narrative, and, instead of a contemporary writer, we have a writer who wrote a few years after the time when some of the events which he relates occurred; though as the narrative proceeds he becomes a contemporary, and of the few events which he notices writes like one who was personally cognizant of the transactions he records. But we may see how little solicitous he was to treat of matters not connected with the property of the church, and the adjustment of the rights of the several persons connected with it, in the slight notice which he takes of Bishop John, called by others De Villulâ, who was one of the most eminent persons of his time, and who seems to have collected around him at Bath no small portion of the science of the age. Adelard, called Bathoniensis, one of the most successful cultivators of science, was of the age of John. The bishop was himself a physician. This is the testimony of Malmesbury, to whom he was known, that 'literatorum contubernio gaudebat,' &c.

The charter by which King William the Second granted to him the city of Bath may be read in Hearne's *Adam of Domesday*, p. 283; and another charter of the same king, dated on the 6th of the kalends of February, 1090, by which he gave to him the abbey of Saint Peter of Bath, 'ad Somersetensis episcopatus augmentationem,' is at p. 279 of the same book.

(31.) This Hugolinus cum Barbâ occurs in Domesday book. His name is written Hugelo, and over it is written, in that small letter in which so much of the more curious information of that record is conveyed, the word *Interpres*, another addition by which he was known. It is probably a vain attempt to recover any thing more concerning one who, by what little is known, may be presumed to have been a remarkable person of his time, an interpreter or translator, and having something it appears peculiar in his personal appearance sufficient to strike the minds of the Saxon population, who were shaven. He was one of the Taini Regis, people who held small possessions not included in any of the great fees, a very respectable class, far above the *villani*, and whose names were never collected till it was lately done by Sir Henry Ellis, who has in this

and other parts of his work performed a very useful service for the students in Domesday Book. His lands were Eston (a portion of Bath-Easton), Herlei (Warley), and Clafterton (Claverton), forming a compact estate in a rich and romantic country, on a fine sweep of the Avon ; lying within a mile and a half of the city, it must have been a very desirable acquisition to the religious of Bath. The purchase was, we see, made by John early in the reign of Rufus ; so that there is no room for the supposition of Collinson, that Hugelo Interpres and Hugolinus cum Barbâ were two distinct persons.

(32.) We have nothing of this in the accounts hitherto given of John de Villulâ. This writer, indignant at the act which transferred the seat of the bishoprick from Wells to Bath, and dispersed the fraternity of the canons of Wells before they were warm in the new habitations provided for them by the liberality of Gyso, dwells only on what is least favourable in the character and conduct of this prelate. But the testimony of Malmesbury will for ever vindicate the memory of one of the promoters of exact knowledge and truth, and consequently of the best interests of the human race. Leland, who gives honour where honour is due, was affected by the sight of the tomb of this bishop, which he saw at Bath in one of his journies, overgrown with weeds. "This John pulled down the old church of St. Peter at Bath, and erected a new, much fairer, and was buried in the middle of the presbytery thereof : whose image I saw lying there a nine years since ; *at the which time all the church that he made lay to waste and was unroofed, and weeds grew about this John of Tours' sepulchre.*" *Itinerary*, ii. 68.

(33.) Godwin says that John de Villulâ placed in the church of Wells a provost who spoiled the canons, a relation of his. This must mean Heldebert. John the Archdeacon, sc. of Wells, is not in the existing Fasti of the Church. He was, it seems, son to Heldebert. His death, which is mentioned shortly after, made way for Robert, who occurs in the Registers of the see as Archdeacon in 1135 : Le Neve, p. 43.

(34.) This circumstance, which is not mentioned in the accounts of Bishop Robert to be found in Godwin and later writers, is consistent with all we know of him, and shows us that he was first advanced by the brother of King Stephen ; which may account for the zeal with which he promoted the success of Stephen against the party of Maud.

The remarkable event of his life, the seizure of him in the midst of his palace and attendants at Bath by a party from Bristol of adherents to Maud, and his being carried off to that city, is not noticed by the writer before us, who is we see chiefly intent on the dispute with the archdeacon and his heirs.

(35.) Reginald occurs as Precentor in the Registers of the Church of Wells, in 1164. Le Neve, p. 37.

(36.) The new church built by John was destroyed by an accidental fire. Godwin, p. 419.

(37.) Ivo was the first person who held the office. See the catalogue of Deans of Wells in Godwin, p. 447. He makes the period about 1150.

(38.) Higinus is said to occur as Precentor in the Registers of the See about 1138. Le Neve, p. 35.

(39.) *Jattona* in the original; but Domesday book presents a more remarkable orthography, *Latune*. Of the conversion of the letters *l* and *r* or *l* at the beginning of proper names in that record there are other instances. Thus a place in the county of York now called *Yeadon*, occurs in that record as *Ladun*; the modern *Yarum*, or *Yarm*, is *Larun*; and a place now called *Loversell*, occurring three times, namely, in the Survey, the Recapitulation, and the Clamores, is each time written with a variety in the orthography, *Geureshale*, *Iuureshale*, and *Loureshale*. Yatton was, as before observed, the land of Johannes Danus *r. n. e.*, and it is surprising that Gyso has not shown us how it was acquired by the Church of Wells, to whom it belonged at the time of the Survey. It is in the hundred of Winterstoke, near to Congresbury, and has one of the many beautiful churches, the work of the fourteenth and fifteenth centuries, with which the county of Somerset is adorned.

(40.) *Hywys*: not found in the Domesday Survey of the possessions of the Church. It may seem, on the first view, to be the present *Huish Episcopi* in the hundred of Kingsbury East, but it is plain that it was a place in close union with Yatton; and in the New Monasticon, ii. 276, it is said to be *Hyswich in the Marsh*.

(41.) *Cumton* is not found in Domesday among the possessions of the Church. It is no doubt the present *Compton Episcopi*, in the Congresbury district. See Collinson, iii. 582.

(42.) Not to the exclusion of the ancient name *Fontanenses*, but in connection with it: the origin of the present name of the See, *Bath and Wells*.

(43.) The Charter by which King Stephen gave these Churches is in the New Monasticon, ii. 289. The town of *North Curry* is said by Collinson, ii. 178, to have been given to the church of Wells by Richard the First. *North Petherton*, *South Petherton*, and *Curry*, (*Nort Peret*, *Sudperet*, and *Churi*,) are surveyed together among the *Terra Regis* of Domesday.

(44.) This transaction must have taken place in 1163, 1164, or 1165, for Roger did not become Bishop of Worcester before 1163, nor did Robert Bishop of Bath survive beyond 1165. Richard, called de Spakeston or de Sprakeston, was at that time Dean. Thomas the Archdeacon first appears in 1175, according to Le Neve's Fasti; but we learn from this narrative that he was Archdeacon ten years earlier. Godfrey of Worcester was no doubt the Archdeacon of Worcester of that name who died, according to Le Neve, in 1167: and as Robert of Bath was no doubt a distinguished ecclesiastic, he was probably an Archdeacon of Bath not found in the printed Fasti. Nothing is more wanted than an improved Fasti of the English Church, a work which the Roxburghe Club some time ago contemplated.

(45.) A district in Savoy. Godwin says his consecration was performed in the town of Saint John in Savoy, by Richard Archbishop of Canterbury. The date was 1175, the twenty-second of Henry the Second.



II.

CHARTERS

RELATING TO ECCLESIASTICAL AFFAIRS,

FORMERLY IN THE LIBRARY

OF DR. COX MACRO.



INTRODUCTION.

THE documents of which copies are here for the first time published have been for a very long time out of the proper keeping. I know not whether to regard this as a fortunate circumstance or the contrary. They may be said to lose something by it of their consequence, if not of their validity. But though this might be important were any of them to be propounded in the Courts as the basis of any claim of right, yet it cannot be said to affect their value as historical evidence, while in the documents themselves there is nothing to impeach their authenticity, but rather every mark of genuineness which documents such as these can possess.

Lying as they have done in a manner concealed from public view, being neither in any public library nor in any depository to which any person would think of resorting who was in search of information respecting the foundations to which they refer, it is not wonderful that the information which they give (and in the case of some of them it is curious and important) has been unknown to those who have written on the history of the foundations to which they relate. So that, however little claim they may have to be classed with literary compositions, the Camden Society is here adding to the store of historical evidence from a source unsuspected and unknown.

They formed part of a large collection of manuscript matter formed in the earlier part of the last century, of which some account may be expected from me.

The Rev. Cox Macro, D.D. was one of the chaplains of King George the First; but, having inherited a considerable fortune from his family, who had been opulent burgesses of the town of Saint Edmund's Bury, he seems not to have taken upon himself for any length of time the cure of souls, but to have indulged himself in private professional study, and in gratifying his taste for curious literature and the arts of painting and sculpture.

He had his baptismal name from his grandfather the rector of Risby, near to Bury, John Cox, who was a grandson of Dr. Richard Cox, the eminent Protestant Bishop of Ely.

Dr. Macro's house at Norton, about six miles from St. Edmund's Bury, was probably one of the best specimens at the time of an embellished residence of a country gentleman of easy but not very affluent fortune. He enlarged the house to adapt it to his purposes; laid out around it extensive pleasure-grounds, and collected within numerous paintings, some of them very choice, and a few sculptures. Peter Tillemans, of Antwerp, the celebrated animal painter, was much employed by him, and died at Dr. Macro's in 1734, having been working the day before on the portrait of a horse, which remained at Norton in its unfinished state as a memorial of the circumstance.

His Coins and Medals were choice. He had some of the rarer productions of the early foreign and English presses; and a collection, perhaps one of the best in private hands, of manuscript remains, in volumes or in autograph letters and charters.

The latter seem to have been collected from various quarters, as opportunity was presented to him. Several of his manuscript volumes had belonged to Spelman. Others had formed part of the library of the Monks of Bury.

Perhaps I shall not exceed the license which the Society may allow to one of its members, if I introduce a brief notice of a very few of the manuscript volumes in his collection. It is taken from an

account in manuscript of the house and its valuable contents written in 1766.

“Aaron Danielis : sive Henrici Danielis, monachi Jacobini, insignis medici, Botanologia, sive de Re Herbaria Liber :”—an English author, for whom see Pits, p. 521.

“Registrum Magnum : Curteys.” An original Register of the Abbey of Saint Edmund during the time when William Curteys presided over it, who was succeeded by John Boon in 1457. This was one of the books which had belonged to Sir Henry Spelman.

A Ledger Book of the Abbey of Glaston, which Bishop Tanner rescued from destruction in the shop of a grocer of Oxford, in the year 1692.

A Chartulary of the Religious House of Blackborough, in Norfolk.

“The Bible of English Policy.”—“Here begynneth the Prologue of the Bible of English Polecie, exhorting all Engeland to kepe the See environ, and namely, to keep the narrowe See ; shewyng what profit cometh thereof, and also worschip to the royaume of Ingeland and all Inglyshe men.”—Also an account of the Retinue of King Edward the Third in his host towards the parts of France and Normandy, and during the siege of the town and castle of Calais.—This manuscript, it seems, may have been once the property of Caxton :—“Iste Liber constat Willielmo Caston.—Qui dedit Willielmo Tonyng anno M.III^c.LXXI : qui genuit Johannem, qui genuit Johannem, qui genuit Johannem de Ordine Sancti Francisci. Dedit istius Liber (*sic*) Thomæ Wall alias Windesor Herald, anno 1528.”

Several volumes of Collections of Dr. Covell, relating to the university of Cambridge, and his own Travels in the East : with his literary correspondence.

A vellum MS. of the works of Gower.

A copy of Spenser's View of the State of Ireland, to which is

subscribed 'E. S. 1597,' which is probably the true date of the composition of the treatise.

The possessor of these valuable remains died in 1767, at the age of 84. He left an only daughter, who soon after his decease became the wife of Mr. Staniforth, to whose niece and heir, who married Mr. Patteson, sometime member for Norwich, the library descended. Many of the manuscripts have passed by purchase into the hands of two members of the Camden Society, Mr. Hudson Gurney and Mr. Dawson Turner.

A portion of the Charters was presented by Mr. and Mrs. Staniforth, soon after Dr. Macro's decease, to a nephew of Dr. Macro, who strongly resembled him in his taste and pursuits. This was Mr. Wilson, a Yorkshire gentleman, who was no mean antiquary, and who had a most extraordinary passion for amassing and transcribing charter-evidence. This gentleman died in the year 1783; and his Collection of Written Evidence remained as he had left it at the Old Hall in which he had resided, in one of the wildest parts of the country, till in 1806 it was liberally thrown open to my inspection and use; and from that time to the present I have frequently found what it contained, a source of original information extremely useful to me in the studies in which I have been engaged.

It was easy to distinguish what had belonged to the Macro collection, from the similar documents, vastly more numerous, which Mr. Wilson had himself collected. The few which are now given to the public were all belonging to the Macro collection, with the exception of two documents, concerning which I am inclined to think that they were obtained by Mr. Wilson from some other quarter.

CHARTERS

RELATING TO ECCLESIASTICAL AFFAIRS.

I.

Grant by GILBERT TYSON of Land and Tythe to the Church of SELBY; in the time of the Conqueror or his successor.

NOTUM sit omnibus fidelibus quod ego GISLEBERTUS TISUN, concessu uxoris mee et filiorum meorum, dedi ecclesie sancti Germani de SALEBI, pro anima domini mei WILLIELMI Regis et MATHILDIS Regine, et pro redemptione anime mee et uxoris mee et omnium liberorum meorum, duas carucatas terre in villa quæ GUNDEBI dicitur, cum omnibus quæ illi adjacent: et illam decimam quam habeo in AIGRUNA et in ALVELEIA: et viii. bovatas terre in villa quæ LUND dicitur. Hoc autem ea condicione feci, ut in eadem ecclesia sim plenarius frater. Quidam etiam ex hominibus meis nomine SUANUS dedit memorate Ecclesie unam carucatam terre in DUFFELD. Quod ego concessi et concedo. Teste Thoma Archiepiscopo. Testibus Adam filio meo et Willielmo et Everardo capellano. et Ricardo Tisun et Uctredo filio Alwini. et Suano et Ro: filio Widonis. et Maino.

An imperfect and incorrect copy of this Charter is in the *Monasticon* (Ed. 1682, vol. i. p. 372; and New. Ed. vol. iii. p. 500), but so imperfect and incorrect as to render highly expedient and necessary the present republication of it, from that which there is reason to believe is the written record of the transaction made at the time.

The Church of Selby was founded by the Conqueror in honour of Saint German, of whom a very full and curious account is given by an early writer, whose work is to be found in Labbe's Collection of Historic Remains. Gilbert Tyson held of the Conqueror many manors in the counties of York and Nottingham, and one in the county

of Lincoln. The gift, of which this is the record, was made very soon after the foundation.

Gunby, Lund, and Duffield lie on the Derwent, at a short distance from the Abbey. Alveleia is probably the place called Alvengi in Domesday, where a church is named, and is now Ella (Kirk-Ella), so changed is the topographical nomenclature of England since the Conquest. Burton, who wrote before Domesday Book was made accessible by the press, was unable to identify the Aigruna (or Aigrum, as he prints the word), *Mon. Ebor.* p. 389: but it is clearly the place in Tyson's Nottinghamshire fee which stands first in the Domesday Survey, where it is called Aigrun. There was a church and presbyter. It is the modern Eykring.

The Alwin, whose son Uctred was a witness, is doubtless the Saxon of that name who held many of the manors in the East Riding of Yorkshire which were given to Gilbert Tyson.

This grant was made in the time of Archbishop Thomas. There is in the *Monasticon* another by the same benefactor, to which Aldred the predecessor of Thomas is a witness. By this charter he gave two carucates in Polkerthorpe (Folkerthorpe) with lands at Gunby and Lund.

For the second grant he was, we see, to be admitted to the full privileges of a brother of the house.

II.

Confirmation by ROBERT BISHOP OF LONDON of a Grant of Lands in SOUTH MINSTER, in his fee, in the reign of Stephen.

ROBERTUS Dei gratia LONDONIENSIS episcopus, omnibus suis hominibus Francis et Anglicis tam præsentibus quam futuris salutem. Notum sit vobis quod WILLIELMUS DE BURSTEDE donavit PAGANO DE STANFORD et suis heredibus totam suam terram quam tenet de nostro feodo in SUDMENISTRE, cum omnibus pertinentiis: tenendam de illo et suis heredibus per servicium quinte partis unius militis, pro suo servicio et pro suo homagio et pro x marcis argenti et uno caballo falvo, precii centum solidorum, quos GODFRIDUS meus cognatus et prædictus PAGANUS suus frater dederunt prædicto WILLIELMO. Et ego per petitionem prædicti WILLIELMI concessi et præsentī carta mea confirmavi ut sua donatio sit stabilis. Quare volo et firmiter præcipio quod prædictus PAGANUS et heredes sui habeant et teneant predictam

terram cum suis pertinentiis in bene et in pace libere et quiete honorifice et integre. Hii sunt testes Rogerus Brunus. Willielmus de Wokendune. Robertus de Baud. Simon suus filius. Willielmus Baard. Walterus suus frater. Walterus de Alcorne. Ricardus filius Tole. Willielmus filius Wimundi. Robertus Niger. Willielmus de Chaldene. Henricus de Pateñ. Ricardus de Furnaus. Robertus Baard. Rogerus de Peleham. Willielmus de Sarneres. et multis (*sic*) alii.

South Minster is in Essex ; a very ancient endowment on the Bishop of London. The charter is chiefly remarkable for the style of the Bishop, and of the persons to whom it is addressed, in which there may seem to be an imitation of the phrase of the royal grants of the time.

The name of Robert has sometimes the addition De Sigillo. He was consecrated, according to Le Neve's *Fasti*, in 1141, and died in 1150 or 1151. He was an "ancient friend" and devout admirer of Saint Bernard : *Godwin*, 4to. 1616, p. 235. In this Charter we have persons mentioned who were of his kindred.

III.

Documents relating to the subjection of the Houses of ST. MARY OF DUBLIN, and of BASINGWERK, to the House of BUILDWAS, with a Certificate of the Abbots of COMBE, MIRAVAL and STANLEY to the House of CISTERTIUM : A. D. 1156, 1176.

VENERANDO fratri et amico RANNULFO abbati de BILLEWAS ejusdemque loci conventui, Frater RICARDUS dictus abbas et Conventus SAVIGNEI salutem et dilectionem. In nomine domini nostri JESU CHRISTI committimus atque concedimus vobis et domui vestre curam et dispositionem domus nostre SANCTE MARIE DUBLINE imperpetuum habendam ; ut vos et domus vestra, secundum tenorem ordinis Cisterciensis, curam ejusdem domus quasi filie vestre et a vobis egressa, in omnibus et per omnia habeatis ; et ipsa vobis et domui vestre tanquam matri sue juxta eundem tenorem ordinis Cisterciensis semper et ubique respondeat et obediat. Facta est autem hæc nostra commissio atque concessio in communi capitulo Savignei anno ab incarnatione domini

M^o. Co. L^o. vj^a, sexto kalendas Decembris. Teste Arraudo priore et Gaufrido suppriori et Unfrido cantore et Roberto et Guillelmo et Gaufrido cellarariis et Hugone sacrista et Roberto magistro novitiorum et Hugone infirmario et Christiano hospitali et Guillelmo portario et universo capitulo.

OMNIBUS Abbatibus atque Conventibus ad ecclesiam SAVIGNEI pertinentibus, Frater R. dictus Abbas et Conventus SAVIGNEI, salutem. In nomine salvatoris nostri JESU CHRISTI notum sit vobis omnibus præsentibus atque futuris, quod nos concedimus imperpetuum ecclesie de BILLEWAS et domino RANULFO Abbati atque conventui, abbatiam de BASINGUERS cum omnibus pertinentiis suis. Ita ut ecclesia de BULDWAS ecclesie de BASINGVEC provideat atque subveniat in omnibus et de omnibus sicut mater filie secundum ordinem Cisterciensem. Et ecclesia de BASINGUERC ecclesie de BILLEWAS respondeat et obediat in omnibus et de omnibus sicut filia matri juxta eundem ordinem. Facta est autem hæc nostra concessio in capitulo Savignei anno ab incarnatione domini M^o. Co. L^o. vij^o. Teste Rogero priore et Gaufrido suppriori Roberto et Gaufrido cellarariis et Roberto magistro novitiorum et Hugoni sacrista Rogero hospitali et Hugoni portario et toto capitulo.

FRATER GUILLELMUS SAVIGNEI dictus abbas, omnibus abbatibus ad SAVIGNEUM pertinentibus, salutem. Notum vobis facimus quod postquam audivimus abbatem MATHEUM de BASINGUEC querimoniam fecisse in capitulo Cisterciensi de Abbate RANULFO de BILLEWAS, quod abbatias de BASINGUEC et de DUBLINA quas per SAVIGNEIUM habebat, contra formam ordinis tenet, utrisque mandavimus propter bonum pacis ut ante tempus capituli sequentis SAVIGNEI se præsenterent. Et ipsi sic fecerunt. Auditis itaque in capitulo SAVIGNEI querelis et gravaminibus abbatibus MATHEI de BASINGUEC et responsis abbatibus RANULFI de BILLEWAS et cartis quas in eodem capitulo ab

abbate R. DE CURCI et conventu suo de prædictis abbatiis transactis plusquam xx annis acceperat, dignum duximus cum abbatibus qui aderant et cum senioribus nostris secretius inde tractare. Tunc rogavimus eos uti se ex toto consilio nostro et providencie committerent, et consenserunt. Nos autem, illis remotis, considerantes discrecionem et prudentiam antecessorum nostrorum qui præfatas abbatias abbati R. et Conventui de BILLEWAS tradiderunt et cartis confirmaverunt, propter necessarias causas et utiles dignum judicavimus quicquid super hæc fecerunt ratum et firmum haberi imperpetuum. Pæce igitur inter eos reformata in communi capitulo nostro præsentibus Abbatibus GALTERO de NEHT et MOYSE de VETERI VILLA commendavimus abbati RANULFO de BILLEWAS omnem curam et ordinationem predictarum domorum sicut filiarum suarum sicut antecessores nostri prius commendaverant et ejus carte testantur. Injunximus quoque Abbati MATHEO de BASINGUEC et Abbati A. de DUBLINA ut ipsi et domus sua ex toto intendant et obediant abbati et domui de BULDEWAS sicut filii patri et sicut filie matri. Facta sunt hæc in capitulo Savignei abque ulla contradictione. Hiis testibus Roberto priore et suppriori* Petro et Stephano de Furnesia. Josleno qui ibi fuerat Abbas Ramaldo de Cham et toto capitulo.

FRATER A. dictus abbas CISTERCII omnibus abbatibus ad CISTERCIUM pertinentibus salutem. Sciatis nos præsentī carta nostra confirmasse abbati et conventui de BILLEWAS abbatias de BASINGUEC et de DUVELINA sicut primum dilectus filius noster RICARDUS DE CURCI cum esset abbas SAVIGNEII et postea venerabilis frater noster GUILLELMUS DE TOLOSA factus abbas ejusdem loci eas eis in capitulo SAVIGNEII concesserunt et cartis suis confirmaverunt. Volumus itaque et statuimus quicquid super hæc fecerunt ratum et firmum haberi imperpetuum. Hiis testibus Ricardo abbate Belbec. Simone abbate de Sancto An-

drea. Galtero abbate de Neht. Johanne abbate de Agneto. Girardo abbate de Lunguilers. Johanne abbate de Joravalle. Radulfo abbate de Chalochi.

REVERENDIS dominis et patribus W. abbati de CISTERCIO et cæteris abbatibus ibidem in spiritu sancto congregatis W. abbas de CUMBA et W. abbas de MIRIVAL et W. abbas de STANLE salutem et sue humilitatis obsequium. Ad præcavenda varia pericula que itinerantibus et maxime in navigatione possunt contingere visum est H. abbati de BILDEWAS nostra potius testimonia quam sua vobis transmittere munimenta super subjectione domorum de BASINGVERS et DUBLIN. Nos itaque fraterne postulacioni nostrum suffragium pro posse volentes impendere prenotata diligenter inspeximus et eandem quam ibi legimus formam vestre discretioni plenius adnotare curavimus. Valete.

This instructive document is in the form of a small roll. The seals of the three Abbots were appended at the foot. Portions of two of the seals still remain. One is circular, and has for its device a hand and arm presenting the pastoral staff. The other has the figure of an abbot.

The earlier portions are written by one hand: but the letter of the three Abbots is in a different ink and character.

They certify to the Abbot of Cistercium, the head-house of the Cistercian order, that the four instruments which are copied above are true copies of the originals.

These instruments relate to the subjection of the two houses of Saint Mary of Dublin and Basingwerk in Flintshire, to the house of Buildwas in Shropshire, one of the earliest Cistercian houses in England.

They are—

1. Declaration of the Abbot and Convent of Savigney of the subjection of the house of Saint Mary of Dublin to Buildwas, A. D. 1156.

2. A like declaration concerning Basingwerk, A. D. 1157.

3. A second declaration, made twenty years after, respecting both houses, the question having been solemnly heard on behalf of the Monks of Basingwerk, who had sought to free themselves from their subjection.

4. A confirmation of the Determination of the house of Savigney by the Abbot of Cistercium.

These documents, which belong to the class of the *Chartæ Majores* of the three houses concerned, are now for the first time brought to light.

The Charter by which King Henry the Second gave to Ranulph, Abbot of Buildwas, the government of the house of Saint Mary of Dublin, is in the *Monasticon*, N. E. vol. V. p. 363 : but we find nothing in that work relating to the subjection of the more interesting house of Basingwerk, to which the famed well of Saint Winifred belonged.

Indeed, there is much uncertainty respecting everything connected with the foundation of Basingwerk, which it is hoped this document will do something to dissipate. We now see that it was a regularly-constituted house of the Cistercian order as early as 1157, when (being then, no doubt, a new foundation) it was placed under the superintendence of the house of Buildwas : that, in or about 1177, the Abbot and Monks had become uneasy under their subjection, and sought, but ineffectually, to free themselves from it.

These facts tend strongly to show that the Charter of one of the Henries, by which the church of Glossop in Derbyshire, the well of St. Winifred, and other property, is given to the house, belongs, as Dodsworth and Dugdale had represented it, to King Henry the Second, and not to King Henry the Third, to whom it has been referred by Bishop Fletewood. See his *Life and Miracles of Saint Winifred*, 1713, p. 24, as quoted in the *New Monasticon*. Not that the earlier date of that grant needed this confirmation, as the style of the Charter, and the names of the witnesses, would guide at once to the earlier reign. The Messrs. Lysons have already noticed the mistake (see *Magna Britannia*, Derbyshire, p. 165,) and fix upon the year in which the house of Savigney were engaged in settling the position of the new fraternity, as the year of King Henry's grant.

There is nothing in the roll to show for what purpose the house of Cistercium called for these evidences, or the time when the copies were transmitted. But from the character it may be inferred that the roll belongs to the twelfth century. The names of the three Abbots, under whose seals the documents are transmitted, are not found in the existing Fasti of any of the houses. The series of the Abbots of Buildwas and Basingwerk may also be made less incomplete by this roll.

IV.

Grant by the Abbot and Convent of SAINT WANDRAGESILUS to the Bishop of SALISBURY, of the Churches of WHITCHURCH and SHERSTON and Tythe at WIVELESFORD, in the time of Richard the First : with certain documents relating to those Churches.

OMNIBUS Christi fidelibus ad quos præsens scriptum pervenerit
R. Dei gratia abbas de SANCTO WANDRAGESILO et ejusdem loci

conventus eternam in Domino salutem. Universitati vestre notum sit nos de communi assensu capituli nostri dedisse et concessisse Deo et Ecclesie SANCTE MARIE SAR. et H. ejusdem loci Episcopo et successoribus suis et capitulo ecclesiam de WHITCHURCHE et ecclesiam de SORESTANE et quicquid in eis juris habuimus vel habere potuimus, et quicquid habuimus in terris et in decimis apud WIUELESFORD, habendas et possidendas in perpetuum cum omnibus pertinentiis suis quietas et liberas ab omni calumpnia de nobis et successoribus nostris et domo Sancti Wandrigesili. In hujus autem rei testimonium sigillum nostrum apposuimus.

R. Dei gratia Abbas de SANCTO WANDRIGESILO dilectis suis Magistro RICARDO de SORESTAN et RICARDO de WITCHIRCHE et domino ILBERTO DE GREINEVILE salutem. Sciatis quod nos dedimus Deo et ecclesie SANCTE MARIE SAR. et domino H. ejusdem loci Episcopo Venerabili et Capitulo SAR. quicquid juris habuimus in ecclesia de SORESTANE et in ecclesia de WITCHIRCHE et in terris et in decimis apud WIUELESFORD. Quare vobis mandamus et præcipimus quatinus eis de cetero sitis intendentes et respondentes in omnibus que ad nos pertinere solebant sicut nobis facere solebatis. Valete.

NOVERINT universi ad quos præsens scriptum pervenerit quod ego R. abbas et conventus SANCTI WANDRIGESILI concessimus domino H. SAR. Episcopo et ejusdem ecclesie capitulo quicquid possedimus in ecclesia de WITHCHIRCHE et in ecclesia de SORESTANE et quinquaginta solidos esterlingorum apud WIUELESFORD in perpetuum possidenda pro beneficiis et honoribus nobis ab ipsis collatis. Quod ut ratum habeatur sigillorum nostrorum attestacione præsens scriptum confirmamus. Et dependet in hiis literis tam sigillum Abbatis quam Conventus.

VENERABILI viro et patri in Christo H. Dei gratia SAR.

Episcopo ejusdemque ecclesie capitulo R. Dei gratia Abbas SANCTI WANDRIGESILI et ejusdem loci Conventus eternam in Domino salutem. Petivit a nobis dilectio vestra ut certificaremus vos quibus instrumentis vel cartis vel et privilegiis utebamur super ecclesia de WITCHURICHE et ecclesia de SORESTANE et de redditu de WIUELESFORD, quod libenter omnimodis exequi.

In privilegiis Summorum Pontificum INNOCENCII Secundi et EUGENII tercii sic continetur.

In Episcopatu SAR. Ecclesiam de WITCHIRCHE cum capellis et decimis et terra et hospitiiis. Ecclesiam de WIUELESFORD cum decima. In MANEGESFORD unam hidam terre. Ecclesiam de SORESTANE cum capellis et decimis.

In largicione illustris WILLIELMI Regis ANGLORUM et ducis NORMANNORUM ad petitionem GUNTARDI Capellani sui.

Ita continetur.

Notum sit omnibus tam posteris quam præsentibus quod Ego WILLIELMUS Dei gratia Rex ANGLORUM et dux NORMANNORUM pro redemptione animæ meæ et salute conjugis et filiorum meorum FONTANELLENSI Monasterio in honore SANCTI WANDRAGESILI constructo, pro amore GUNTARDI capellani mei qui ibi monachus factus est, quatuor ecclesias in ANGLICA TERRA positas concessi cum decimis et omnibus suis costumis sicut antecessor GUNTARDI eas tenuit tempore antecessoris mei beate memorie EDWARDI Regis, quarum duæ de WITHCHIRCHE et BRIDETUNA sunt in comitatu DORSETE. Tercia vero SORESTANE est in comitatu WILTESYRÆ. Quarta autem TOUEGESTRE est in comitatu NORHAMPTESIRÆ. Et ut hæc donacio etc.

In autentico Venerabilis JOCELINI SAR. Episcopi ita continetur.

JOCELINUS Dei gratia SAR. Episcopus universis Sancte Matris Ecclesie filiis ad quos præsens scriptum pervenerit salutem. Sicut injusta petentibus ex rigore justicie constat obviandum ita justis postulacionibus ex ratione novimus etiam parendum. Noverit itaque Universitas vestra nos concessisse et sigilli nostri munimine confirmasse Abbati SANCTI WANDRIGESILI et toti ejusdem loci conventui in perpetuum omnes ecclesias et ceteras possessiones quæ in diocesi nostra juris illorum dinoscuntur; videlicet ecclesiam de WITCHIRCHE cum capellis et cæteris appendiciis. Ecclesiam de BRIDETUNA PORT cum capellis et cæteris appendiciis. Ecclesiam de BRIDITUNA cum capellis et cæteris appendiciis. Ecclesiam de UPAVENE cum capellis et cæteris appendiciis. Capellam de MANEGESFORD cum appendiciis suis. Ecclesiam de SORESTANE cum capellis et appendiciis suis. Omnibus igitur huic nostre concessioni et confirmationi renitentibus et adversantibus etc.

Venerabilis insuper ROGERUS SAR. Episcopus A. archidiacono de DORSETE et ROGERO et ERN. archidiaconis de WILTESIRA ita scripsit.

R. Episcopus SAR. A. archidiacono de DORSETE et ROGERO et ERN. archidiaconis de WILTESIRA salutem. Præcipio quod Abbas de SANCTO WANDRAGESILO teneat ita bene et honorifice et libere omnes ecclesias que in archidiaconatu vestro sunt cum decimis et omnibus consuetudinibus suis sicut unquam eas melius habere et liberius tenere solebat; et nominatim ecclesiam de RUSTESHALE cum decima sua et ecclesiam de BRIDETUNA cum decima sua et ecclesiam de BRIDEPORT cum decima sua et ecclesiam de WITCHIRCHE

cum capellis et decimis suis pertinentibus et ecclesiam de SORESTANE cum tota decima ville et ecclesiam de WIVELESFORD cum decima et omnibus consuetudinibus suis. Et si quis eis inde injuriam fecerit etc.

Hæc sunt instrumenta quibus utimur. Valeat Sanctitas vestra. Et non dependet in literis istis nisi tantum sigillum Abbatis.

A small portion of the seal still remains attached to this instrument, which is in perfect preservation.

R. the Abbot and the Convent of Saint Wandragesil or Fontenelle in Normandy, grant to H. Bishop of Salisbury, and the Chapter of the said church, the two churches of Whitchurch in Dorsetshire, which is now called Whitchurch Canonicorum, and Soreston, now Sherston, in Wiltshire; together with whatever lands and tythe they had at Wivelesford. The time when this transaction took place is to be gathered from the names of the Abbot and the Bishop. Robert the Second became Abbot of Saint Wandragesil in 1193, and was succeeded by Rainaldus in 1194, and he by Robert the Third in 1207, who continued Abbot till 1219. This succession is from the *Gallia Christiana*. Hubert became Bishop of Salisbury in 1188, and was succeeded by Herbert in 1194, who was bishop to 1217. This determines it to belong to the period between 1193 and 1217.

We have in the reply of the Monks of Saint Wandragesil to the request of the church of Salisbury, that they would acquaint them with the title on which they held the two churches, important facts respecting them. Whitchurch and Sherston were churches of Saxon foundation, and had incumbents in the time of the Confessor. Guntardus had succeeded to them in both churches. This Guntardus is described as *Capellanus Regis Willielmi*. Being desirous to retire into the monastery of Saint Wandragesil, he prevailed upon the King to grant the two churches, together with two others which he also held, to the monks of that house. This must have been done before the date of Domesday Book, in which record we find that the Church of Sherston was held by the house of Saint Wandragesil.

The possession of these churches, together with what they had acquired at Wivelesford, was recognised by Roger Bishop of Salisbury, in whose diocese they were situated; by Josceline his successor, and by the Popes Innocent the Second and Eugenius the Third, whose *Privilegia* are quoted.

We obtain these facts from what is the express object of the instrument: but incidentally, information, which the topographer will find valuable, is given respecting Bridton and Towcester, where were Saxon churches held by Guntardus, together with Mangesford, Upavene, and Rusteshal.

V.

Impropriation of the Church of SOUTH REYNHAM to the Monks of ACRE lately settled at NORMANSBERGH; in the time of King Richard the First.

OMNIBUS Christi fidelibus ad quos præsens scriptum pervenerit, JOHANNES Dei gratia NORWIC. Episcopus salutem in Domino. Cum quanta possimus vigilancia solitudinis Sancte Religionis profectibus et incrementis nos decet invigilare, et eam speciali provisionis studio fovere et protegere; ea propter volumus ad universorum pervenire noticiam, nos dilectis in Christo filiis Monachis de ACRA apud REYNHAM in loco qui dicitur NORMANNESBERGHE Deo servientibus et imperpetuum servituris, Dei causa et religionis intuitu in eodem loco de novo plantato, ecclesiam de SOUTH REYNHAM canonice concessisse et confirmasse in proprios usus suos ad eorum scilicet sustentacionem cum omnibus ad eandem ecclesiam pertinentibus, habendam imperpetuum possidendam ex donacione GODEFRIDI DE LESEWYS ejusdem ecclesie patroni: Salva possessione WILLIELMI DE LEKE Rectoris ecclesie illius quamdiu vixerit, et salvis quoque honore reverentia et dignitate debitis et consuetud. sancte NORWYCEN. ecclesie, et honesta et sufficienti sustentacione vicarii qui in prædicta Ecclesia ministrabit. Et ut hæc nostra concessio confirmacio stabilis perseveret imperpetuum eam præsentī scripto et sigilli nostri patrocinio communimus. Testibus etc.

This is from a contemporary copy.

The Charter by which Godfrey de Lesewys gave the Church of South Reynham in Norfolk to the Monks of Normansbergh, which was a cell to Acre, is in the *Monasticon*, N. E. vol. v. p. 69. This is the Bishop's licence for the appropriation of it. The appropriation was known to Blomefield (vol. iii. p. 31), who says that it was confirmed by Hubert Archbishop of Canterbury.

It is probably a Charter of John de Oxford, who preceded John de Grey in the see of Norwich, and cannot be earlier than 1175. The expression "in eodem loco de

novo plantato" seems to point to a period nearer to the date of this instrument than 1160, to about which time Tanner fixes the foundation of Normansbergh. I place it in the reign of Richard the First, as Hubert, whose confirmation would doubtless be nearly contemporaneous with this grant, did not attain his dignity till A. D. 1193.

VI.

Grant by JOHN Bishop of NORWICH to RALPH ROMAN of certain houses in LINNE which had belonged to ISAAC a Jew, of NORWICH, at the request of KING JOHN. A. D. 1214.

OMNIBUS sanctæ Matris Ecclesiæ filiis ad quos præsens scriptum pervenerit: JOHANNES divina miseratione NORWIC: ecclesiæ minister humilis in salutis auctore salutem. Ad notitiam vestram volumus pervenire nos ad preces Domini nostri JOHANNIS illustris Regis ANGLIÆ dedisse et concessisse dilecto nostro in Christo RADULFO ROMANO et heredibus suis domos quas ISAHAC Judeus de NORWICO habuit in LINNA, sicut prædictus Judeus easdem habuit. Reservato nobis et successoribus nostris in perpetuum annuo servicio quod prædictus Judeus pro jam dictis domibus reddere consueverat. Ut autem hæc nostra donatio valida permaneat in futurum et firma, eam præsentis scripti munimine et sigilli nostri appositione duximus roborandam. Hiis testibus; Domino R. de Tywa Archidiacono de Gipeswiz, Magistro Simone de Taneto, Johanne de Micleham, Elia Benardi clerico, et multis aliis. Data per manum nostram in Pictavia apud Tailleburgum pridie Kalendas Octobris anno Pontificatus nostri sexto decimo.

This eminent prelate, John de Grey, died "in territorio Pictaviensi," according to M. Paris (Ed. 1644, p. 175), "a curia Romana rediens." The grant before us must have been one of his latest acts, as no one has extended the period of his possession of the Episcopal dignity beyond the sixteenth year, and Godwin says that he died in the 15th year of his pontificate. The date usually assigned to his death is the kalends of November 1214; but the year, according to the English computation, would be 1215.

The clause "ad preces domini nostri Johannis illustris Regis Angliæ" is warranted by similar expressions in other charters or records.

The character is fine, and the ink of remarkable blackness.

VII.

Release from Sir PETER DE ALTO BOSCO to the House of St. BENNET AT HOLME of all right in the Stewardship of the said House, &c. in consideration of an annual pension of seventeen pounds.

SCIANT præsentēs et futuri quod Ego PETRUS DE ALTO BOSCO miles concessi et relaxavi et quietum clamavi Abbati et Conventui SANCTI BENEDICTI DE HULMO totum jus et clamium quæ habui vel habere potui in senescalcia Cenobii SANCTI BENEDICTI DE HULMO quo clamavi esse procurator et dapifer dictæ domus et in hundredo de TUNSTEDE quæ clamavi tenere ab eisdem memoratis Monachis in feodo et in THURGERTONE et in THWEIT et in ANTINGHAM et in SYPEDENE cum omnibus pertinenciis ad hæc prædicta spectantibus unde placitum motum fuit inter nos in curia Domini Regis pro me et hæredibus meis in perpetuum. Concessi etiam et dedi et quietum clamavi dictis Abbati et Conventui in perpetuam elemosinam totum jus et clamium quæ habui vel habere potui in toto tenemento et reddito quæ habui in villa de WESTWYE cum omnibus pertinenciis pro me et hæredibus meis in perpetuum illi et successoribus suis habenda et tenenda libere quiete bene et in pace sine omni calumpnia vel contradictione de me et hæredibus meis in perpetuum. Pro hac autem concessione relaxacione donacione et quieta clamacione dederunt mihi dictus abbas et Conventus septemdecim libras argenti ad uberrimam sustentacionem mee paupertatis in mea senectute annuatim ad duos terminos percipiendas in tota vita mea tantummodo scilicet ad Pentecostes et ad festum omnium Sanctorum. Ita quod nullus hæredum meorum aliquid juris in dictis septemdecim libris post obitum meum poterit habere. Et ut hæc concessio relaxacio donacio et quieta clamacio firma et stabilis perseveret huic scripto in modum Cyrographi confecto sigillum meum apposui.

Hiis testibus, Stephano de Waltone, Stephano et Thoma filiis ejus, Johanne de Ludham, Johanne Pincerna, Roberto de Skeghetone, Galfrido de Crakeforde, Radulpho de Scothowe, Ricardo fratre suo, Adam de Hecham, Johanne filio Warini, Willielmo de Burewde et aliis.

This Charter is intitled, in a contemporary hand, "Quietclamatio Petri de Hautboys de Senescalcia et toto jure quod habuit in Thurgerton et aliis."

The gift to the ancestor of Sir Peter de Alto Bosco of the office of Steward of the Monastery was one of the inconsiderate acts of William Basset, who was abbot of Saint Benedict at Holme in the twelfth century. This is shown in the *Monasticon*, N. E. vol. iii. p. 63: and the present charter, which seems not to have been previously known, shows for what consideration the house became freed from the inconvenient connection.

It appears by the character, in which something of the style of the preceding century is observable, to belong to the reign of Henry the Third, at the beginning of which I have placed it, finding a Peter de Alto Bosco in the Patent Roll of the 10th of John, and in the Placita in the 15th of John in suit with the Abbey (*Abbreviatio*, p. 91). Under the form Peter de Hautbois and Peter de Audois his name occurs in the *Testa de Nevil*.

VIII.

Grant by HENRY Duke of Lothier to his nephew MATTHEW DE LOVAINE of the Bailiwick of the Honour of Eye. A. D. 1224—1226.

H. Dei gratia dux LOTARINGIÆ marchio imperii ROMANI universis præsentibus et futuris salutem. Sciatis me ratum fecisse et confirmasse præsenti carta mea MATHÆO DE LOUAIN nepoti meo donum quod dedi et concessi fratri meo GODEFRIDO DE LOUAIN patri suo: scilicet ballivam et custodiam totius terræ meæ in ANGLIA scilicet honoris EYE. Concessi autem prædicto MATHÆO ad se sustinendum in custodia prænominata et balliva, tota demenia EYE et TORENDON cum pertinentibus omnibus ad dicta demenia habendam et tenendam sibi et heredibus suis de me et heredibus meis. Et ut hæc concessio et donatio firma sit et

stabilis præsens scriptum sigilli mei munimine roboravi. Hiis testibus; Leonio castellano de Brusselle. Arnoldo de Wesemal'. Johanne de Ariscoth. Waltero Clitting. Johanne de Savennicies. Gerardo de Dunggelberge. magistro Waltero de Liere. Egidio de Alfe. Et aliis pluribus.

This Charter is not ecclesiastical; but, presenting itself with the others in this collection, I could not omit so favourable an opportunity of making its contents publicly known. It contains the most direct evidence that has ever been given of the origin of the English house of Lovaine, and leaves not the slightest room for doubt of their having sprung from the great Brabantine house, of which there is other evidence in Dugdale (*Baronage*, vol. i. p. 736). The heiress married Sir William Bourchier.

The date which I have assigned to this Charter is on a comparison with Dugdale's reference to the Patent Rolls of 10 Henry III.

Henry the granter is Henry the First Duke of Lothier, here very distinctly *Dux Lotaringia*. Butkens places in his Tables a brother of this Henry named Godfrey, on the sole authority of a Charter of 1220, by which lands are conveyed to the Abbey of Vorst, in which first among the witnesses is "Godefroy frere de Duc Henri," and expresses his regret that nothing more could be recovered respecting him. *Trophées Sacrés et Prophanes du Duché de Brabant*, 1724, vol. i. p. 137. The portion already published of the English Records of the thirteenth century will enable the Brabantine antiquaries of the present day to give a much better account of him than it was in the power of their admirable historian Butkens a century ago to do.

Three of the persons who are witnesses to the Charter here published appear as witnesses to another Charter of Henry (who is there styled *Dux Lovania*), of the year 1224: namely, Leon Chastelain de Bruxelles, Arnon Sire de Wasemaele, and Wauthier Clutnick. Butkens, p. 191.

IX.

Charter of King HENRY THE THIRD to the Church of NORWICH, reciting and confirming a Charter of King JOHN, and granting further privileges. Anno 16 Henry III.

HENRICUS Dei gratia Rex ANGLIÆ Dominus HYBERNIÆ, Dux NORMANNIÆ et AQUITANIÆ Comes ANDEGAVIÆ, Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis

Vicecomitibus Prepositis Ministris et omnibus Ballivis et fidelibus suis salutem.

INSPEXIMUS cartam domini J. Regis patris nostri in hæc verba. JOHANNES Dei gratia Rex ANGLIÆ, Dominus HYBERNIÆ, Dux NORMANNIÆ AQUITANIÆ Comes ANDEGAVIÆ, Archiepiscopis Episcopis Abbatibus Comitibus Baronibus Justiciariis Vicecomitibus Ministris et omnibus Ballivis et fidelibus suis salutem. Sciatis nos concessisse et hac præsentī carta confirmasse Deo et Ecclesiæ Sanctæ Trinitatis NORWIC. et Episcopo ejusdem loci et Monachis ibidem Deo servientibus, ut ipsi habeant per omnes terras suas Sac et Soc Thol et Theam et Infangenethef et Utfangenethef cum judicio aquæ et ignis et furcis et ferro. Et quod ipse Episcopus et successores sui et prædicti monachi et eorum homines et omnia tenementa sua in perpetuum sint liberi et quieti de mурdro gaywyta misericordiis de sectis shirarum et hundredorum de auxiliis vicecomitum et ballivorum suorum et præpositorum et de omnibus summonitionibus et recognicionibus faciendis. Testibus W. London. S. Bathon. et Glaston. Episcopis, G. filio Petri Comite Essexiæ, Willielmo Briwere, Simone de Pateshulle. Datum per manum S. Archidiaconi Well. apud Gaytyntone xxviii die Novembris anno regni nostri secundo.

Nos igitur hanc concessionem ratam et gratam habentes; eam Venerabili Patri THOME NORWIC. Episcopo et successoribus suis et WILLIELMO Priori NORWIC. et successoribus suis et monachis ejusdem loci pro nobis et hæredibus nostris concedimus et sigillo nostro confirmamus sicut predicta carta quam inde habent rationabiliter testatur. Insuper autem concessimus et hac carta nostra confirmavimus pro nobis et hæredibus nostris prædicto NORWIC. Episcopo et successoribus suis et prædicto Priori et successoribus suis quod habeant omnia amerciamenta de dominicis suis et hominibus eorum propriis in perpetuum. Salvis nobis et hæredibus nostris amerciamentis de hominibus de feodis eorum

qui non tenent de aliquo eorum in capite et quod prædictus NORWIC. Episcopus et successores sui et prædictus prior et successores sui colligant in perpetuum per manus suas vel ballivorum suorum prædicta amerciamenta : Ita quod nullus Vicecomes vel minister suus in aliquo se intromittat de prædictis amerciamentis colligendis vel distringendis nisi de voluntate prædicti Episcopi vel successorum suorum et prædicti Prioris vel successorum suorum. Hiis testibus J. Bathon. R. Dunelm. W. Exon. W. Karliol. et H. Roffen. Episcopis. H. de Burgo Comite Kancie Justiciario Anglie, S. de Segrave, Radulpho filio Nicholai, Godefrido de Craucumbe, Johanne filio Philippi, Galfrido Dispensatore, Ricardo filio Hugonis, et aliis.

Datum per manum Venerabilis Patris R. Cycestren. Episcopi Cancellarii nostri apud Westmonasterium septimo die Maii anno regni nostri sexto decimo.

Neither this Charter of King John, nor the confirmation of it, with extended privileges, by King Henry the Third, appears to have been known to Blomefield.

The Charter of King John is in the printed volume of the *Rotuli Chartarum*, published by the Commissioners on the Public Records, p. 166, col. 2, as it appears in the Record. It may be useful to compare the Charter itself with the entry made of it, as illustrative of the principles on which the copies or abstracts in the record were wont to be made.

This document is in fine preservation, and has a large portion of the Great Seal of King Henry the Third in green wax still appendant.

X.

Charter by which the Prioress and Nuns of GRACE DIEU bind themselves to present each successive Prioress of the House for approval to JOHN DE VERDON, their Advocate, and his heirs, or to their deputies. Probably about A. D. 1250.

OMNIBUS Christi fidelibus præsentēs litteras visuris vel audituris ANGNES DE GRISELE Priorissa de GRATIA DEI et ejusdem loci Moniales salutem in Domino sempiternam. Noveritis nos de

voluntate et unanimi concensu tocius capituli nostri plenarie concecisse domino JOHANNI DE VERDUN advocato nostro et hæredibus suis quod quamcitiſus aliqua Prioriſſa domus nostre in fata decesserit vel aliquo alio modo officium Prioriſſe excercere dimiſerit ſeu reliquerit quod nullam aliam ſine licencia prædicti Johannis ſpeciali ſeu hæredum ſuorum eligere poſſimus. Et cum aliqua de licencia dicti domini Johannis ſeu hæredum ſuorum legitime fuerit electa quod eam eidem ſeu hæredibus ſuis tanquam advocato nostro præſentare teneamur: et quod idem JOHANNES et hæredes ſui eandem electam ulterius Episcopo loci præſentare debeat. Ita quod ad præſentacionem ejusdem JOHANNIS ſeu hæredum ſuorum admitti poſſit. Ita tamen quod ſi dictus JOHANNES ſeu hæredes ſui in partibus transmarinis exſtiterint quod nos ſenescallo dicti domini JOHANNIS vel Conſtabulario de ALVETONA qui pro tempore fuerint per licenciam et voluntatem eorundem ſeu unius eorum, eligere poſſimus, et conſimili modo ſicut prædictum eſt præſentare. In cujus rei teſtimonium huic ſcripto ſigillum noſtrum una cum ſigillo capituli noſtri de comuni concensu ejusdem eſt appenſum. Hiis teſtibus Domino Thoma de Chawrthe, Domino Willielmo de Waſteneys, Domino Roberto de la Warde, Roberto Malishoneriſe, Roberto de Stapeltone, Ricardo de Navisby et multis aliis.

The Houſe of Grace Dieu was founded by Roſia de Verdun, mother of John de Verdun, about the 24th of King Henry the Third.

Agnes de Griſeley occurs in 1242, and is ſuppoſed to be the firſt prioress of the houſe, *Mon. Ang.* N. E. vi. 567. By this Charter ſhe recogniſes John de Verdon and his heirs as the patrons.

The ſeal is a pointed oval in dark green wax. The device is a ſeated figure beneath tabernacle work, and a ſmall figure in a compartment below.

There is in this collection another inſtrument, dated April 8, 1418, by which Lady Alice Mortun, the ſub-prioress, announces to John Merbury, Eſq. the deceaſe of the Lady Margaret de Rempſton, the prioress, on the 2d of the month, and the election of Lady Alice Dunwich, the treaſurer of the houſe, as her ſucceſſor.

XI.

Grant of WILLIAM DE FERRARIIS, Earl of DERBY, to the Abbey of TŪTBURY. Before A. D. 1253.

OMNIBUS Sancte Matris Ecclesie filiis tam præsentibus quam futuris WILLIELMUS DE FERRARIIS Comes DERBIÆ salutem.

NOVERITIS me pro salute animæ meæ dedisse et concessisse et hac præsenti carta mea confirmasse Deo et Sanctæ Mariæ et Abbatiae de TUTESBIRIA et Monachis ibidem Deo servientibus in excambio vivarii de STOMFORD et molendini et pro omnibus excessibus meis xxi^{ti} solidos de firma terre RICARDI DE LEKE scilicet de ij marcis argenti quas prædictus RICARDUS mihi per annum reddere solebat. De hiis vero xxi^{ti} solidis prædictis avi prædictum RICARDUM reddendis per annum prædictæ abbatiæ in liberam et perpetuam elemosinam. Hiis testibus Willielmo de Rideware tunc senescallo, Johanne filio Godefridi, Herberto de Tiseinton, Roberto filio Walkelini, Rogero de Rideware, Stephano Capellano, Ricardo Rundel, Hugone de Meleburne, Elia clerico et multis aliis.

This Charter must belong to a period before the 38th year of King Henry the Third, A. D. 1253, in which year the last William de Ferrars, Earl of Derby, died (*Vincent*, p. 205), but I perceive no note of time to determine to which of the earls named William it belongs.

XII.

Grant of RICHARD son of CHRISTINUS DE GOMERSAL of an annual pension to the Brethren of St. JOHN of JERUSALEM at NEWLAND. Anno 38 Henry III.

OMNIBUS Christi fidelibus ad quos præsens scriptum pervenerit, RICARDUS filius CHRISTINI DE GOMERHISAL salutem in domino. Quia qui parce seminat parce et metet, et qui seminat in bene-

dictionibus de benedictionibus et metet: Set quia FRATRES HOSPITALES JERUSALEM apud NOVAM TERRAM commorantes spontanea voluntate mea pro Deo et salute animæ meæ elegi dominos meos meo perpetuo consistere, qui in subsidium terræ Sanctæ bona acquisita et acquirenda ad sustentacionem pauperum JESU CHRISTI attribuunt: Icirco volo et concedo juramento meo interveniente pro me et hæredibus meis ut ipsi fratres Hospitales annuatim ad festum Sancti Michaelis recipiant tres denarios annui redditus de me et hæredibus meis sive assignatis meis quatuor bovatas meas tenentibus in villa de GOMERHESSALE quas in præsentī confectione scripti optinui anno regni Regis HENRICI XXXVIII. filii JOHANNIS Regis. Et totam et integram partem bonorum meorum ubicumque existentium in obitu meo et in obitu hæredum meorum sive assignatorum meorum dictas quatuor bovatas terræ optinencium: ita quod nec ego nec hæredes mei decetero testamentum faciemus neque assignati mei. Et quod omnia prædicta observanda per præsentem litteram obligo me et hæredes meos sive assignatos meos jurisdictioni et cohercioni et districtioni Domini Archiepiscopi EBOR. et Archidiaconi EBOR. et officialis EBOR. sive decani PONTISFRACŬ ut possint me et hæredes meos sive assignatos meos conjunctim sive divisim per censuram Ecclesiasticam et per suspencionis et excommunicacionis sententiam compellare de die in diem, sine strepitu judiciali et cause cognitione. Renunciantes ad omnia prædicta tam ego quam hæredes mei et assignati mei omni excepconi cavillationi Regiæ prohibicioni constitucionī . . . privilegio et omni juris remedio quod nobis poterit in aliquo casu prodesse et hospitalari JEROSOLOMITANO nocere. In cujus rei testimonium pro me et heredibus meis sive assignatis meis huic scripto sigillum meum apposui. Hiis testibus Johanne de Cransewik, Rogero de Batheley, Johanne de Batheley, Willielmo de Batheley, Gregorio de Batheley, Rogero de Liversege, Olivero de Liversege, Hugone le Wythe et aliis.

Newland was a house of the Knights of Saint John of Jerusalem in the diocese of York, and Gomersal is a village a few miles distant from it. The Charter contains some remarkable clauses.

XIII.

Bull of Pope URBAN [IV.] appointing a Commission to hear and determine a question between the Abbot and Convent of EVESHAM and certain parties respecting tythe. About A.D. 1262.

URBANUS Episcopus servus servorum Dei dilectis filiis SANCTI JACOBI extra NORTHAMPTONIAM et ALENCESTRIE Prioribus et Archidiaconis de NORTHAMPTONIA LINCOLNIENSIS et WIGORNIENSIS diocesum salutem et apostolicam benedictionem. Dilecti filii Abbas et Conventus Monasterii de EVESHAM ordinis Sancti Benedicti ad Romanam ecclesiam nullo medio pertinentis nobis conquerendo monstrarunt quod Magister SYMON Archidiaconus ESTRIDINGIE WILLIELMUS DE DAVINTRE miles et quidam alii clerici et laici EBORACENSIS et LINCOLNIENSIS Civitatum et diocesum super decimis debitis possessionibus et rebus aliis injuriantur eisdem. Ideoque discretioni vestre per apostolica scripta mandamus quatinus partibus convocatis audiatis causam et appellatione remota debito fine terminetis; facientes quod decreveritis per censuram ecclesiasticam firmiter observari. Testes autem qui fuerint nominati si se gratia odio vel timore subtraxerint censura simili appellatione cessante cogatis veritati testimonium perhibere. Quod si non omnes hiis exequendis potueritis interesse duo vestrum ea nichilominus exequantur. Datum Viterbii xij kalendas Octobris Pontificatus nostri anno primo.

This is referred to Pope Urban the Fourth, on account of the mention of Simon, Archdeacon of the east riding of Yorkshire, who appears in the Fasti from 1249 to 1267. Urban the Fourth became Pope in 1261.

XIV.

Grant of ROBERT DE FERRARIIS, Earl of DERBY, to the Abbot and Convent of MIRAVALLE of the Church of OVERTON. A. D. 1264.

OMNIBUS ad quos præsens scriptum pervenerit ROBERTUS DE FERRARIIS Comes DEREBIÆ salutem in Domino sempiternam.

NOVERITIS nos relaxasse et quietum clamasse Domino Abbati de MIRAVALLE et ejusdem loci conventui totum jus et clamium quod habuimus vel habere potuimus in advocacione ecclesie de OVERTON juxta MIRAVALLEM cum suis pertinentiis unde præsentationem factam a nobis ad eandem de dilecto Clerico nostro OSBERTO DE BEREฟอร์ดIA omnino revocamus.

IN cujus rei testimonium præsentī scripto sigillum nostrum apponi fecimus.

Datum apud Tutteburiam in crastino Sancti Martini anno Domini M°. CC°. sexagesimo quarto.

XV.

Bull of Pope GREGORY [X. ?] granting to the Abbot and Convent of EVESHAM the privilege of collecting and transmitting the Peter Pence of the persons residing on their own demesne, and in MORTON and AMBERLEY. A. D. 1274?

GREGORIUS episcopus servus servorum Dei dilectis filiis Abbatī et Conventui de EVESHAM WIGORNIENSIS diocesis ad Romanam ecclesiam nullo medio pertinentis salutem et apostolicam benedictionem. Licet singuli Archiepiscopi et Abbates exempti Rengni Anglie ab eorum subditis quendam annum censum denarium beati Petri vulgariter dictum ipsos proportionaliter contingentem in rengno eodem tempore debito colligentes illum per proprios nuntios singulis annis præfatæ Ecclesiæ reverenter trans-

mittant, vobis tamen et successoribus vestris ampliorem gratiam et favorem facere volentes dictum annum censum ab indigenis exemptionis vestre necnon de MORTONA et AMBERLEIA sicut retro actis temporibus colligere consuevistis per vos adhuc colligi volumus et mandamus solutionem ipsius census de quinquennio in quinquennium per proprium nuntium vestrum camerario nostro faciendam specialiter reservantes.

Datum Laterani vi Nonas Maii Pontificatus nostri anno quarto.

This bull is referred to the year 1274, on the presumption that it is of Pope Gregory the Tenth: but I see nothing which should prevent it being referred to his predecessor Gregory the Ninth.

It gives a privilege to the Monks of Evesham of which there is no notice in the *Monasticon*.

XVI.

Letter of PHILIP Abbot of WIGMORE certifying that Sir ROGER TROMYN and Dame JOAN his wife are admitted to share in the Prayers of the House, &c. ; and to have their obsequies celebrated as for a brother of the House when dead. A. D. 1317.

PHILIPPUS permissione divina Abbas de WYGEMORE et ejusdem loci Conventus dilectis sibi in Christo domino ROGERO TROMYN militi et domine JOHANNE uxori sue salutem cum augmento cœlestium gratiarum. Exigente piæ devocionis affectu quem erga nos ac monasterium nostrum veraciter cognoscimus inspirante spiritus sancti gratia vos habere. Volentes non inmerito ipsam veram devocionem et benivolenciam cœlestium munerum retributione quodammodo compensare, vos ad universa et singula nostre Congregationis suffragia in vita recipimus pariter et in morte plenariam vobis participacionem tenore præsencium concedendo omnium missarum oracionum jejuniorum elemosinarum vigiliarum laborum cæterorumque cunctorum beneficiorum spiritualium quæ per nos ac successores nostros die nocteque

imperpetuum fieri permiserit nostri clemencia salvatoris. Addentes insuper de nostra gratia speciali ut cum vocante domino diem clauseritis extremum et obitus vester fuerit nostro capitulo nunciatus, idem officium pro vobis in nostro conventu fiet plenarie ac devote quod pro nostris fratribus professis et defunctis specialiter fieri consuevit. In cujus concessionis testimonium sigilla nostra præsentibus sunt appensa. Datum in capitulo nostro tercio die mensis Marcii anno domino M^o. CCC^{mo}. Septimodecimo.

This document adds another name to the imperfect catalogue of the Abbots of Wigmore in the *Monasticon*, N. E. vol. vi. p. 344.

A portion of the seal of the Abbey, and of the Abbot's secretum, remains appended.

XVII.

Letter of the Official of the Archdeacon of STAFFORD to certain parties appointed to divide the Prebend of ECCLESAL in the Cathedral Church of LICHFIELD into three parts, certifying that he has caused proclamation to be made in certain Churches that all persons interested should appear before the said Commissioners. A. D. 1332.

VIRIS venerabilibus et discretis Priori de STONE COVENTR. et LYCH. diocesis ac magistro PHILIPPO DE TURVILLE in ecclesia Cathedrali LICH. Canonico, reverendi in Christo patris domini nostri domini SIMONIS Dei gratia CANTUAR. Archiepiscopi tocius Anglie Primatis ac venerabilis viri magistri ANTONII BEK dudum Cancellarii LINCOLN. executorum ad dividendam præbendam de ECCLESALE in dicta ecclesia LICHFIELD. quam venerabilis vir dominus JOHANNES DE KYNDARDESEYE optinet in eadem juxta formam in literis apostolicis inde datis et concessis, una cum venerabili viro Magistro HUGONE DE ENGOLISMA Archidiacono CANTUAR. una cum illa clausula quatinus

vos vel duo vestrum eandem præbendam in tres porciones equales dividere procuretis, a sede Apostolica deputatorum, subexecutoribus sub certa forma deputatis, Officialis domini . . Archidiaconi STAFFORDIÆ obedientiam debitam reverenciam et honorem. Litteras vestras recepi sub eo qui sequitur tenore. Prior de STONE COVENT. et LICHFELD. Diocesis ac PHILIPPUS DE TURVILLE in ecclesia Cathedrali LICHFELD. Canonicus, reverendi in Christo patris domini nostri domini SIMONIS Dei gratia CANTUAR. archiepiscopi tocius Anglie primatis ac venerabilis viri magistri ANTONII BEK dudum Cancellarii LINCOLN. executorum ad dividendam præbendam de ECCLESALE in dicta Ecclesia LICHFELD. quam venerabilis vir dominus JOHANNES DE KYNARDESEYE optinet in eadem juxta formam in litteris Apostolicis inde datis et concessis una cum venerabili viro magistro HUGONE DE ENGO-LISMA Archidiacono CANTUAR. una cum illa clausula quatinus vos vel duo vestrum eandem præbendam in tres porciones equales dividere procuretis, a sede Apostolica deputatorum, Subexecutores sub certa forma deputati, discreto viro domino . . Archidiacono STAFFORDIÆ vel ejus officiali salutem et mandatis Apostolicis firmiter obedire. Volentes mandatum Apostolicum juxta vim formam et effectum dictarum litterarum Apostolicarum reverenter exequi ut tenemur, vobis auctoritate apostolica qua fungimur in hac parte et in virtute obedienciæ qua dictæ sedi tenemini committimus et firmiter injungendo mandamus quatinus in Ecclesia LICHFELD. prædicta et etiam in ecclesia præbendali de ECCLESALE et locis aliis oportunitis diebus dominicis et festivis intra missarum solempnia cum major in eisdem aderit populi multitudo, citetis seu citari faciatis præcise et peremptorie omnes et singulos quorum interest in hac parte vel præsens tangat negotium quovismodo quod comparant coram nobis in Ecclesia Cathedrali LICHFELD. proximo die juridico post dominicam qua cantatur officium *Quasi modo geniti*. Receptionem et admissionem testium et aliorum quo-

rumcumque per quæ informari poterimus de veritate suggestorum in dictis litteris apostolicis et etiam de dicto negotio divisionis faciende necnon ipsa suggesta et idem negotium concernentibus visur. si sibi viderint expedire factur. ulterius et receptur. in eodem negotio cum continuacione et prorogacione dierum sequentium usque ad finalem expeditionem ejusdem quod justitia suadebit et qualitas et natura hujus negotii exigunt et requirunt. Et quid in præmissis feceritis nos dictis die et loco certificetis per litteras vestras patentes harum seriem continentes. Datum per nos Priorem antedictum apud Stone xxij die mensis Februarii anno Domini millesimo ccc^{mo}. tricesimo primo. Et datum quoad nos Philippum supradictum apud Lichfeld. eisdem die et anno supradictis. Quod quidem mandatum supradictum in dictis ecclesiis Cathedrali LICHFELD. et præbendali de ECCLESALE necnon in ecclesiis de STONE, CESTFORD, STOKE, WOLSTANTON et in capella NOVI CASTRI SUBTUS LYAM et locis aliis ad hoc oportunis citando secundum vim formam et effectum dictarum litterarum plene et in omnibus reverenter sum executus.

Datum Lychfeldiæ Idus Aprilis anno domini millesimo ccc^{mo}. tricesimo secundo.

XVIII.

Indenture between THOMAS Bishop of NORWICH and the Mayor, Sheriffs, and Commonalty of the said City, ratifying a judgment of WILLIAM DE LA POLE, Earl of SUFFOLK, that the Bishop's palace should be exempt from the jurisdiction of the Mayor, &c. 21 Henry VI.

Hæc indentura facta inter venerabilem in Christo patrem et dominum dominum THOMAM Dei gratia NORWIC. Episcopum ex parte una, et Majorem civitatis NORWICI Vicecomites ejusdem civitatis ac Communitatem civitatis predictæ ex parte altera, testatur

quod, cum nuper magne et adiu continuate lites et discordie inter partes predictas exorte et mote fuerunt ac ipsi sencientes litis incommoda ne ulterius crescerent submiserunt se inde decreto ordinacioni et iudicio illustris domini WILLIELMI Comitis SUFFOLCIE; Et quia idem illustris Comes in decreto iudicio et ordinacione suis de premissis inter partes predictas sub sigillo suo factis et redditis inter alia recitaverit quod per notabiles evidencias et probabiles materias sibi monstratas apparuit quod Major Vicecomites et Communitas civitatis prædictæ nec aliquis eorum quousque jam tarde de novo excercuerunt aliqua arestaciones attachiamenta seu districtiones virtute alicujus querele personalis infra palacium libertatem seu franchisesiam Episcopatus prædicti facere Et quod dicti Major Vicecomites et Communitas infra palacium libertatem sive franchisesiam illam nullam jurisdictionem alicujus turni sive lete habeant nec habere debeant, præfati Major Vicecomites et Communitas juxta ordinacionem et decretum ipsius Comitis concesserunt præfato Episcopo et successoribus suis imperpetuum per præsentis quod prædicti Major Vicecomites et Communitas nec successores sui nec officarii sui seu successorum suorum aliqua attachiamenta districtiones sive arestaciones infra palacium libertatem sive franchisesiam prædicta virtute alicujus querelæ personalis sive super aliquam querelam personalem inchoatam et levatam sive imposterum inchoandam et levandam in aliqua curia civitatis prædictæ facient nec aliquam jurisdictionem alicujus lete sive turni infra palacium libertatem sive franchisesiam illam clamabunt excercebunt seu frequentabunt. Et pro majori securitate prædicti Episcopi et successorum suorum quod ipsi in contrarium præmissorum per eosdem Majorem Vicecomites et Communitatem aut successores suos non injuriabuntur præfati Major Vicecomites et Communitas concesserunt pro se et successoribus suis per præsentis solvere tociens imperpetuum præfato Episcopo et successoribus suis quinque marcas legalis monete

quociens contingat ipsos præfatos Majorem Vicecomites et Communitatem seu successores suos aut officarios suos seu successorum suorum in contrarium præsentium aliqua attachiamenta arestationes sive distractiones facere seu capere jurisdictionem lete sive turni clamare exercere seu frequentare seu præfatum Episcopum seu successores suos in contrarium præmissorum molestare.

In cujus rei testimonium uni parti harum indenturarum penes præfatos Majorem Vicecomites et Communitatem remanenti præfatus Episcopus sigillum suum apposuit; alteri vero parti penes præfatum Episcopum remanenti præfati Major Vicecomites et Communitas sigillum suum commune apposuerunt.

Data decimo die Marcii anno regni Regis Henrici sexti post Conquestum vicesimo primo.

This is the part of the indenture which remained in the hands of the mayor and commonalty of Norwich, as is evident from there being still attached to it a portion of the Bishop's seal. How or when it was removed from its proper depository I know not, but it is probably to its absence from the city records that we are to attribute the circumstance that no notice of this agreement is taken by Blomefield. See vol. ii. pp. 112 and 379.

It plainly arose out of the contentions between the bishop and the city, to which the anonymous Monk of Norwich who continued the Chronicle of Bartholomew de Cotton thus alludes:—"In cujus tempore (Thomæ Brown, Episcopi) cives Norvici contra matricem insurrexerunt, et eam penitus conculcare ac privare suis libertatibus studuerunt. Contra quos predictus Episcopus per se et per suos amicos ac per multimodas expensas viriliter se opposuit tanquam turris fortitudinis pro libertate Domus Domini. Veruntamen in diebus ejus litis molestia in toto non est sedata, nec pacis jucunditas ad plenum redintegrata." Wharton, vol. i. p. 417.

XIX.

The Superior of the House of St. ROBERT near KNARESBOROUGH, of the Order of the Holy Trinity and the Redemption of Captives, and Vicar-General and Provincial of the said Order in England, to THOMAS POPLEY, admitting him to certain privileges belonging to the Order. A. D. 1473.

FRATER ROBERTUS Minister domus SANCTI ROBERTI juxta KNARESBURGH Ebor. diocesis ordinis Sancte Trinitatis et Redempcionis Captivorum qui sunt incarcerationati pro fide JESU CHRISTI a paganis, ac inspiratione divina Vicarius generalis et Provincialis totius dicti ordinis in ANGLIA legitime constitutus, dilecto nobis in Christo THOME POPLAY salutem et sinceram in Domino caritatem. Cum in privilegiis apostolicis per sacrosanc-tam sedem apostolicam nobis et ordini nostro ab antiquis tempo-ribus indultis et de novo canonice confirmatis Inter cætera quædam spiritualia continentur indulta continencie subsequenter :

Omnibus vere penitentibus et confessis vel volentibus confiteri qui ad sustentacionem dicti ordinis manus porrexerint adjutrices tociens quociens suas dederint elemosinas vj annos et octoginta dies de injuncta penitentia relaxamus Eciam concedimus quod omnes confratres et consorores dicti ordinis qui dederint certam quantitatem bonorum suorum, et annuatim fratribus vel nunciis ejusdem ordinis beneficia persolverint possint sibi elegere annuatim idoneum presbiterum in confessorem qui eis concedere valeat plenariam absolucionem omnium peccatorum suorum de quibus vere sunt contriti et confessi nisi talia sunt propter que sedes apostolica sit merito consulenda Et quilibet confrater habebit scriptum dicte fraternitatis et eidem sepultura ecclesiastica non negetur nisi nominatim fuerit excommunicatus. Si quis bene-factorum infra annum moriatur de omnibus peccatis suis vere contritis et confessis est de nostra gratia speciali absolutus Capi-

tulo abusionibus non obstante. A votis vero peregrinationis et abstinence si quæ emiserint que commode servare non poterint (ultra marino beatorum PETRI et PAULI atque JACOBI apostolorum votis dumtaxat exceptis) cum eisdem in alia pietatis opera dispensamus.

Unde Sanctissimus dominus noster Papa PIUS IJ^{us} dictas indulgencias et gratias approbavit et ex certa sciencia confirmavit confratribus et consororibus prefatis ut sibi confessorem hujusmodi elegere possint, qui, ipsorum confessionibus diligenter auditis, eos et quemlibet eorumdem eciam in casibus sedi Apostolicæ quomodolibet reservatis semel in vita auctoritate apostolica absolvere et pro commissis penitentiam salutarem ipsis injungere valeat licenciam concedimus per præsentés. Præterea post eorumdem decessum et suarum literarum exhibicionem in nostro conventuali capitulo eadem pro vobis fiet commendacio que pro nobis fieri consuevit. Datum sub sigillo nostro in domo nostra predicta anno Domini millesimo cccclxxiij.

(*In dorso.*)

Auctoritate DEI patris omnipotentis et beatorum Apostolorum PETRI et PAULI ac auctoritate apostolica mihi in hac parte commissa, ego absolvo te ab omnibus peccatis tuis per te vere contritis et mihi confessis necnon ab omnibus peccatis tuis oblitis de quibus velles confiteri si tue occurrerent memorie, ac plenariam absolucionem et remissionem omnium peccatorum tuorum in quantum claves ecclesie se extendunt auctoritate literarum apostolicarum tibi concessarum tibi do et concedo. In nomine patris etc.

The houses of this order in England were not numerous, and this of Saint Robert of Knaresborough is the most remarkable of them.

The privileges of the order recited in this letter are not noticed in the *Monasticon*, N. E. vol. vi. 1558. The confirmation of them by Pope Pius the Second must have been made a very few years before the date of this instrument, as he became Pope in 1458, and died in 1464.

The power to choose a Confessor appears to have been in that age a much coveted privilege. We see it granted on a more august occasion in the next of these documents.

XX.

A Notarial Instrument reciting a Bull of Pope SIXTUS the Fourth, by which the President and Knights of THE COLLEGE OF THE GARTER, and the Dean, Canons, &c. of WINDSOR, are empowered to choose a Confessor. A. D. 1479.

UNIVERSIS sanctæ matris Ecclesie filiis præsentis litteras sive præsens publicum instrumentum transsumptum seu transcriptum visuris vel audituris RICARDUS permissione divina SAR. Episcopus salutem in omnium Salvatore et fidem indubiam præsentibus adhibere. Ne post concessas vel obtentas litteras apostolicas indulgencias privilegia et alia legitima documenta propter vetustatem aut alia periculosa discrimina et casus fortuitos qui previderi non possunt earum series imposterum deperiret vel earum originalia amitti contingeret, jurium conditores statuerunt ut eis auctoritate ordinarii Judicis solemniter exemplatis et transsumptis seu transcriptis exemplari transumpto seu transcripto ipsarum fides indubia velut eisdem litteris originalibus adhibeatur ubilibet in agendis; ad vestre igitur universitatis noticiam deducimus et deduci volumus per præsentis quod anno Incarnationis dominice millesimo quadringentesimo septuagesimo nono Indictione terciadecima pontificatus sanctissimi in Christo patris et domini nostri domini SIXTI divina providentia Pape quarti anno nono mensis vero Novembris die octava, in domo Capitulari libere capelle Regiæ beatissime DEI GENITRICIS ac sanctorum GEORGII MARTIRIS et EDWARDI CONFESSORIS infra Castrum Regium de WINDESORE nostre SAR. diocesis notorie situate coram nobis pro tribunali sedentibus ex parte excellentissimi in Christo Principis et domini nostri domini EDWARDI Dei gracia Regis ANGLIE et FRANCIE et domini HIBERNIÆ illustris COLLEGII GARETHERII presidentis, nobiliumque personarum, militum videlicet seu confratrum ipsius Collegii, necnon venerabi-

lium circumspectorum et discretorum virorum Decani Canonicorum Vicariorum Capellanorum Cantorum et aliorum ministrorum dicte capelle Regis ad deserviendum inibi in divinis deputatorum, exhibite fuerunt et presentate littere apostolice predicti Sanctissimi in Christo Patris et domini domini SIXTI divina providencia Pape quarti, ejus vera bulla plumbea cum filis sericis rubei croceique coloris more Romane curie bullate sane et integre non cancellate non abrase non abolite nec viciate sed omni prorsus vicio et sinistra suspicione carentes ut in eis prima facie apparebat. Quarum quidem litterarum Apostolicarum verus tenor sequitur in hunc modum.

SIXTUS Episcopus servus servorum Dei ad futuram rei memoriam: Dum ad illam fidei constanciam eximieque devoçionis affectum quibus carissimus in Christo filius noster EDWARDUS Rex ANGLIE illustris erga nos et sedem Apostolicam clarere dinoscitur nostre dirigimus consideracionis intuitum, digne ducimur eum, et, ejus consideracione, universas personas COLLEGII GARETHERII cui Rex ipse preesse dinoscitur, et in illius capella in honorem et sub invocacione DEI GENITRICIS et sanctorum GEORGII MARTIRIS ac EDWARDI CONFESSORIS infra castrum Regium de WINDESORASAR. diocesis per ipsius EDWARDI predecessores ANGLIE Reges fundata divinis obsequiis insistentes in hiis que animarum salutem concernunt, apostolicis communire presidiis et favoribus prosequi graciosis, quibus mediantibus possint ad eterne felicitatis gaudia pervenire. Motu igitur proprio, non ad ipsius Regis vel alterius pro eo nobis super hoc oblate petitionis instanciam sed de nostra mera liberalitate, auctoritate Apostolica, tenore presencium statuimus et ordinamus quod Confessor idoneus presbiter secularis vel cujusvis ordinis religiosus quem prefatus EDWARDUS et pro tempore existens ANGLIE Rex dicto collegio presidens ac persone milites seu confratres ipsius collegii necnon decanus subdecanus

et illorum locumtenentes canonici vicarii capellani et cantores alique ministri dicte capelle ad deserviendum inibi in divinis deputati nunc et pro tempore existentes, quilibet videlicet pro se duxerit eligendum, eligentis confessione diligenter audita, pro commissis excessibus et peccatis quibuslibet quantumcumque enormibus, eciam talibus super quibus esset sedes Apostolica merito consulenda, pro EDUARDO et pro tempore existente ANGLIE Rege dicto collegio presidenti et infra quartum agnacionis seu cognacionis aut affinitatis gradum illi conjunctis impresenciarum dicti collegii personis militibus seu confratribus absque ulla casuum quorumlibet excepcione, Reliquis vero dicti COLLEGII GARETHERII nunc et pro tempore existentibus collegiatis militibus seu confratribus necnon decano subdecano locumtenentibus canonicis vicariis capellanis cantoribus et ministris prefatis (rebellionis aut conspiracionis in personam vel statum Romani pontificis seu sedis Apostolice et offense personalis in episcopum vel alium prelatum ac presbitericidii et simonie peccatis dumtaxat exceptis) semel in vita et in non reservatis dicte sedi casibus tocians quociens opus fuerit, absolvere ac in mortis articulo plenariam omnium peccatorum suorum absolucionem impendere et pœnitenciam salutarem injungere, ac emissa per ipsos vota quecumque (ultramarino et visitacionis liminum apostolorum PETRI et PAULI ac ecclesie SANCTI JACOBI in COMPOSTELLA castitatis quoque vôtis dumtaxat exceptis) in alia pietatis opera commutare libere et licite valeat. Quodque in quibuscumque facultatum absolvendi et vota commutandi ac statutorum et ordinacionum desuper editorum revocacionibus modificacionibus et suspensionibus que a nobis et præfata sede imposterum motu simili et certa sciencia et cum quibusvis clausulis etiam derogatoriis derogatoriis forcioribus efficacioribus et insolitis ex quavis causa emanarent, eciam per quas statutum ordinacio et facultas hujusmodi revocari modificari seu suspendi viderentur aut suspenderentur expresse, nunquam

statutum et ordinatio hujusmodi includatur nisi dum et quando in eisdem revocationibus modificacionibus et suspensionibus præsen-
cium literarum tenor de verbo ad verbum vere specificè et individue insertus foret, eciam si clausule tales forent que hujusmodi expressionem individuum importare viderentur et importarent sed semper sint et esse intelligantur ab illis excepta Non obstantibus constitucionibus et ordinacionibus apostolicis ac OTTONIS et OCTOBONI olim in regno ANGLIE apostolice sedis legatorum ac capelle et collegii predictorum juramento confirmatione apostolica vel quavis alia firmitate statutis et consuetudinibus ceterisque contrariis quibuscumque presentibus post decennium minime valituris. Nulli ergo omnino hominum liceat hanc paginam nostrorum statuti et ordinacionis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit indignationem omnipotentis DEI ac beatorum PETRI et PAULI apostolorum ejus se noverit incursum. Datum Romæ apud Sanctum Petrum anno Incarnationis dominice millesimo quadringentesimo septuagesimo nono Nonas Julii Pontificatus nostri anno octavo.

Quibus quidem litteris sic coram nobis exhibitis, fuimus pro parte supradictorum excellentissimi Principis militum seu confratrum decani canonicorum vicariorum capellanorum cantorum et aliorum ministrorum suprascriptorum cum instantia requisiti, ut cum ipsi et ipsorum diversi predictis litteris et earum serie necessario haberent uti ipsasque exhibere et se juvare de eisdem in diversis mundi partibus a se longe lateque distantibus nec eas dum vellent ubi et coram quibus sibi essent necessarie exhibendi habeant facultatem ne propter casum fortuitum ipsarum series imposterum deperiret vel earum originalia amitti contingeret infuturum, auctoritate nostra ordinaria et cum interposicione nostri decreti predictas literas transscribi transsumi exemplari et in publicam formam redigi per notarium publicum subscriptum

facere dignaremur et vellemus. Nos igitur RICARDUS permissione divina Sar. Episcopus antedictus visis per nos et inspectis ac diligenter examinatis litteris suprascriptis quia ipsas vera bulla plumbea dicti Sanctissimi Patris domini nostri Pape cum filis sericis rubei croceique coloris more Romane Curie bullatas sanas integras et illesas non cancellatas non viciatas nec in aliqua sui parte suspectas sed omni prorsus vicio et suspicione sinistra carentes invenimus, supplicationi hujusmodi tanquam juste et juri consone favorabiliter annuentes ipsas litteras suprascriptas de verbo ad verbum transscribi transsumi exemplari collacionari et per Notarium publicum subscriptum nostrum Registrarium ac scribam per nos in hac parte specialiter assumptum in publicam formam redigi mandavimus: Ipsisque litteris collacionatis exemplatis transscriptis et publicatis nos exemplari et transcripto seu transsumpto hujusmodi nostram ordinariam et judicariam auctoritatem interposuimus et interponimus pariter et decretum. Volentes de cetero tenore presencium transcripto seu transsumpto litterarum hujusmodi in omnibus et per omnia tantam fidem vim et auctoritatem adhiberi debere et fore adhibendam sicuti eisdem litteris originalibus suprascriptis ubilibet in agendis. In quorum omnium et singulorum fidem et testimonium premissorum presentes litteras sive presens publicum instrumentum hujusmodi nostrum transsumptum sive transcriptum in se continentes sive continens exinde fieri et per magistrum RICARDUM NEWPORTE clericum Notarium publicum subscriptum nostrum Registrarium ac Scribam per nos in hac parte specialiter assumptum subscribi signari et publicari mandavimus nostrique sigilli appensione jussimus et fecimus communiri. Data et acta sunt hec omnia et singula prout suprascribuntur et recitantur sub anno Domini Indictione Pontificatu mense die et loco predictis. Presentibus tunc ibidem venerabilibus et discretis viris magistris JOHANNE VAGHAN Canonico in Ecclesia Cathedrali MENEVENSI, JOHANNE

BOSTOK et JOHANNE SUNDAY in decretis Bacallariis COVENTR. et LICH. ac WINTON. diocesium testibus ad premissa vocatis specialiter et rogatis.

Et Ego RICARDUS NEWPORTE in legibus Bacallarius clericus EBOR. diocesis publicus auctoritate Apostolica Notarius prefati Reverendi in Christo Patris et domini domini RICARDI permissione divina SAR. Episcopi actorum Scriba et Registrarius ac per eundem Reverendum patrem Scriba in hac parte specialiter assumptus suprascriptarum literarum Apostolicarum presentacioni exhibicioni inspectioni examinationi et publicacioni atque decreto et mandato predictis ceterisque premissis omnibus et singulis dum sic ut premititur per eundem Reverendum patrem et coram eo sub anno Domini Indictione Pontificatu mense die et loco predictis agebantur et fiebant una cum prenominationis testibus presens personaliter interfui eaque omnia et singula sic fieri vidi et audivi. Ipsas quoque litteras Apostolicas de ejusdem Reverendi patris mandato transsumpsi et exemplavi presensque publicum transsumptum seu transcriptum instrumentum exinde confeci scripsi publicavi et in hanc publicam formam redegi. Et quia facta fideli collacione et diligenti examinatione presentis transumpti cum literis apostolicis originalibus antedictis ea in omnibus concordare repperi et inveni nil addito subtracto vel mutato quod facti substantiam commutaret seu variaret intellectum illud signo et nomine meis solitis et consuetis una cum appensione sigilli predicti Reverendi patris signavi rogatus et requisitus in fidem et testimonium omnium et singulorum premissorum.

The signature, motto, and mark of the notary remain, and also the tab to which the Bishop's seal was attached. The seal is lost, but in every other respect the instrument is in perfect preservation. There is a contemporary indorsement, "Collegii de Wyndesore."

How so important a document as this escaped from its proper depository among the records of the illustrious Order to which it relates, or of the Dean and Canons of Windsor, can no more be conjectured with any show of probability than how other instruments which belong to the support of existing rights passed into the hands of private persons who had no interest in the rights supported by them. But the removal must have taken place at a period now remote, for it is evident that this instrument was unknown to Ashmole, who has printed two other bulls, one empowering the Archbishop of Canterbury and the Bishop of Winchester to institute the college of Windsor, the other exempting the college from the jurisdiction of the Archbishop, and who would have published this instrument also had it been in its proper depository when he prepared his work on the Order of the Garter. I have not discovered that it has been known to any other writer who has published anything on the history of the Order, or on the history of the College of Windsor. Nor have I succeeded in finding that the fact which is set forth in this instrument, that the privilege was granted by Pope Sixtus the Fourth to the Sovereign and Knights of the Order of the Garter, and to the Dean and Canons of Windsor, to choose a Confessor, each for himself, has been discovered in any other evidence by those who have written on the subject.

The Bull of Pope Sixtus is not in the *Fœdera*, and a privilege of that illustrious Order, every circumstance attending which is an object of peculiar interest, is now, it is believed, for the first time brought to light. Of course it was a privilege which would have no long continuance, the Reformation coming in about fifty years from the time when it was granted.

XXI.

Letter of EDMUND Bishop of LONDON, to the Dean and Chapter of St. PAUL's, communicating a Letter of King HENRY the Eighth to the Archbishop of CANTERBURY, respecting certain Prayers to be said in English throughout the Realm: 36 Henry VIII.

EDMUNDUS permissione divina LONDON. Episcopus auctoritate Illustrissimi in Christo Principis et domini nostri domini HENRICI octavi Dei gratia ANGLIE FRANCIE et HIBERNIE Regis Fidei defensoris et in terra Ecclesie ANGLICANE et HIBERNICE supremi capitis ad infrascripta legitime fulcitus dilectis nobis in Christo Decano et Capitulo Ecclesie nostre Cathedralis SANCTI

PAULI LONDON. eorumve vicesgerentibus salutem gratiam et benedictionem. Literas Reverendissimi in Christo Patris ac domini domini THOME permissione divina CANT. archiepiscopi totius ANGLIE Primatis et Metropolitanus tenorem ut idem Reverendissimus Pater asseruit literarum dicti potentissimi domini nostri Regis in se continentes nuper cum ea qua decuit reverencia humiliter recepimus exequendas in hæc verba :

THOMAS permissione divina CANT. archiepiscopus totius Anglie primas et metropolitanus ad infrascripta illustrissimi in Christo principis et domini nostri domini HENRICI octavi, &c. auctoritate legitime fulcitus Venerabili confratri nostro domino EDMUNDO eadem permissione LONDON. Episcopo salutem et fraternam in domino charitatem. Literas supradicti invictissimi domini nostri Regis manu sua sacra signatas et signeto suo obsignatas nobis inscriptas et ad nos datas nuper debitis cum honore et reverencia accepimus tenorem subsequenter complectentes.

MOOSTE Reverende Father in God righte trustie and righte welbeloved we greete you well, and latte you witte that calling to our remembraunce the myserable state of all Christendome, being at this presente, besydes all other troubles, so plagued with moost cruell warres, hatredes, and dyscentions, as no pece allmooste of the same, being thole reduced to a verve narrowe corner, remayneth in good paxe, agrement, and concord, the healpe and remedye wherof farre exceding the power of any man, must be callid for of hym whoo onelye ys hable to graunte oure petitions, and never forsaketh nor repelleth any that fyrmyly beleive and faythefullye calle on hym, unto whom also the examples of Scripture encorageth us in all thees and all other oure troubles and necessities to flye and to crye for ayede and succour. Being re-

solved to have contynuallye from hensforthe generall processions in all cities, townes, churches and paryshes of this oure realme, saide and songe withe such reverence and devocione as appertayneth, forasmoche as heretofore the people, partelye for lacke of good instruction and calling on, partelye for that they understoode noo peece of suche prayours or suffragies as were used to be songe and saide, have used to comme verye slackelye to the processions, when the same have benne commaunded heretofore, we have sett forthe certayne godly prayours and suffragies in oure native Englysshe tonge, whiche wee sende you herewith, signyfieng unto you that for the speciaall truste and confidence we have of youre godlye mynde and earnest desyre to the setting forwarde of the glorye of God and the true worshipping of his moost holye name within that province commytted by us unto you, we have sent unto you theese suffragies, not to be for a moneth or two observed, and after slenderlye considered, as other oure injunctions have, to oure no little marvaille, beene used, but to thentent that aswell the same as other oure injunctions may earnestlye be set forthe by preachinges good exhortations and otherwayes to the people, in suche sorte as they, felinge the godlye taste thereof, may gladlye and joyuslye withe thankes receive, embrace, and frequent the same as appertayneth. Wherefore we will and commaunde you, as ye will aunswer unto us for the contrarye, not onelye to cause theese prayours and suffragies aforesaide to be publysshed, frequented, and openlye used in all townes, villagies, churches and paryshes of youre owne diocese, but also to signyfie this oure pleasure unto all other Bysshoppes of youre province, willinge and commaunding them in oure name, and by vertue hereof, to doo and execute the same accordinglye, unto whoose proceadinges in the execution of this oure commaudent wee will that you have a specyalle respecte, and make reporte unto us yf any shalle not with

good dexterytie accomplyssh the same, not fayling, as our special trust ys yn you.

Gevenne under oure signet, at oure mannour of Saincte James the xjth of June, the xxxvjth yere of oure reigne.

In capite vero earumdem sic scriptum est,

By the Kyng.

Inscriptio autem hæc est,

To the mooste Reverende Father in God, oure righte trustie and righte welbeloved Counsaillour Tharche-bysshoppe of CANTURBURY.

Nos vero pro nostra erga suam celsitudinem observantia toto pectore affectantes literis et mandatis suis regiis uti decet obtemperare, volentesque pro debitis nostri officii omnem curam et solertem nostram in commissis et de mandatis a sua Regia majestate adhibere diligentiam, vobis pro parte sue Regie Majestatis tenore presentium mandamus et precipiendo injungimus quatenus receptis presentibus non solum injunctiones omnes Regias ad sacrosanctam religionem firmandam et stabiliendam antehac per auctoritatem Regiam promulgatas cum omni reverencia observandas edicatis et mandetis verum etiam cum omni sedulitate et celeritate accommodis sancta hec suffragia et salubres orationes quarum unum exemplar presentibus anneximus vobis per latorem presentium mittimus tum quidem in omnibus et singulis ecclesiis cathedralibus collegiatis et parochianis per diocesim et jurisdictionem vestras LONDON. ubilibet sitis et existentibus tum etiam ab omnibus et singulis aliis coepiscopis et confratribus nostris nostre CANTUAR. provincie suffraganeis ubilibet locorum per dioceses et jurisdictiones suas juxta et secundum literarum Regiarum suprascriptarum tenorem et continentiam in omnibus et per omnia exponi declarari denunciari cantari dici publicari et observari faciatis et faciant et fieri sedulo procuretis et procurent. In cujus rei testimonium

sigillum nostrum presentibus est appensum. Datum in manerio nostro de Lambeth decimo octavo die mensis Junii anno Domini millesimo quingentesimo xliij^{to} et nostre consecrationis anno duodecimo.

Vobis igitur ex parte prefati serenissimi domini nostri Regis et prenominati reverendissimi patris domini CANT. Archiepiscopi auctoritate qua supra committimus et districtè precipiendo mandamus quatenus literas superius insertas in omnibus et per omnia respective juxta tenorem vim formam et effectum earundem debite et effectualiter cum omni etiam sedulitate ac celeritate accommodis tam in dicta ecclesia nostra Cathedrali SANCTI PAULI LONDON. quam in singulis aliis ecclesiis et locis ecclesiasticis vestre jurisdictionis peculiaris exequi faciatis et procuretis. Ut autem illa sancta suffragia ac salubres orationes de quibus superius fit mentio a vobis ac omnibus et singulis ecclesie vestre Cathedralis ministris necnon ab aliis quibuscumque infra dictam jurisdictionem vestram peculiarem degentibus et commorantibus quatenus eos respective concernunt juxta et secundum preinsertarum literarum hujusmodi tenorem et continentiam in omnibus et per omnia uti decet diligentius et efficacius exponi et declarari denunciarique cantari dici publicari et observari possint et valeant, nos unum exemplar eorumdem suffragiorum et orationum unacum presentibus vobis per earum latorem duximus mittendum.

In cujus rei testimonium sigillum nostrum presentibus apponi fecimus. Datum in edibus nostris London. decimo nono die mensis Junii annis domini et regni predicti invictissimi domini nostri Regis supramencionatis et nostre vero Translationis anno quinto.

The King's letter, the most important part of this document, has been printed, but very imperfectly, by Burnet, *Collection of Documents*, iii 28. The other parts, which show the proceedings taken by the Archbishop of Canterbury and the Bishop of London in consequence, have never before been printed.

The prayers which accompanied the King's Letter were the first body of public prayers for general use in English published with authority. They may perhaps be regarded as the original of the Book of Common Prayer. Writers on the history of the Reformation, and on the history of the Book of Common Prayer, have expressed their regret that no copy of them has been preserved. There was, however, a copy in the library of the Earl of Clarendon, of which the title is thus given in the Catalogue :—"An Exhortation unto Prayer, thought meet by the King's Majesty and his Clergy to be read to the people in every church afore processions ; also a Litany with suffrages to be said or sung in the said Processions," 1544 : at least it seems from the date and title that this was the book. See the Sale Catalogue of the Library of Edward Earl of Clarendon, 1756, p. 54.

The two prelates are Cranmer and Bonner, two eminent names in the ecclesiastical history of the time ; and as we are now arrived at the threshold of the Reformation, we have a convenient period at which to close the present selection.



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